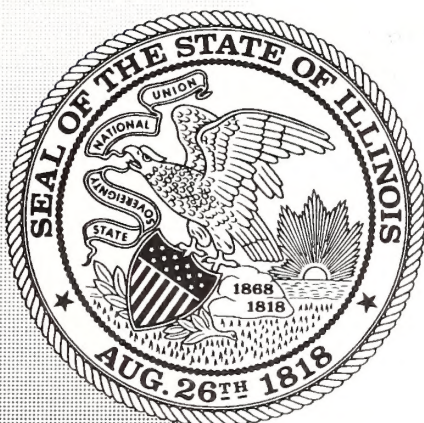


KFI 1235
A21



Chicago Ken
MAY - 2 1995
College of Law Libr

1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 17— April 28, 1995

Pages 6035-6221

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

published by
George H. Ryan
Secretary of State



Printed on recycled paper

TABLE OF CONTENTS
April 28, 1995 Volume 19, Issue 17

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Relative Home Placement

89 Ill. Adm. Code 3356035

CONSERVATION, DEPARTMENT OF

Duck, Goose And Coot Hunting

17 Ill. Adm. Code 5906040

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

Hospital Price Information

77 Ill. Adm. Code 25306091

Penalties

77 Ill. Adm. Code 25406098

POLLUTION CONTROL BOARD

Clean Fuel Fleet Program

35 Ill. Adm. Code 2416101

PROFESSIONAL REGULATION, DEPARTMENT OF

The Illinois Speech-Language Pathology And Audiology Practice Act

68 Ill. Adm. Code 14656131

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 1006135

TRANSPORTATION, DEPARTMENT OF

Driving And Parking

92 Ill. Adm. Code 3976153

Driving Of Motor Vehicles

92 Ill. Adm. Code 3926156

Hours Of Service Of Drivers

92 Ill. Adm. Code 3956160

Inspection, Repair And Maintenance

92 Ill. Adm. Code 3966166

Motor Carrier Safety Regulations: General

92 Ill. Adm. Code 3906170

Parts And Accessories Necessary For Safe Operation

92 Ill. Adm. Code 3936189

Procedures And Enforcement

92 Ill. Adm. Code 3866193

Qualification Of Drivers

92 Ill. Adm. Code 3916197

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Relative Home Placement

89 Ill. Adm. Code 3356204

COMMERCE COMMISSION, ILLINOIS

Least-Cost Planning For Natural Gas Utilities

83 Ill. Adm. Code 535, Repeal of6213

STUDENT ASSISTANCE COMMISSION, ILLINOIS

Federal Family Education Loan Program (FFELP)

23 Ill. Adm. Code 27206215

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received6220

CUMULATIVE INDEX

1995 Index - Issue # 17CI-1

SECTIONS AFFECTED INDEX

1995 Index - Issue # 17SAI-1

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
Apr. 4, 1995	Apr. 11, 1995	16	Apr. 21, 1995	Oct. 10, 1995	Oct. 17, 1995	43	Oct. 27, 1995
Apr. 11, 1995	Apr. 18, 1995	17	Apr. 28, 1995	Oct. 17, 1995	Oct. 24, 1995	44	Nov. 3, 1995
Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Relative Home Placement
- 2) Code Citation: 89 Ill. Adm. Code 335
- 3) Section Numbers: Proposed Action:
335.Appendix A Repeal
- 4) Statutory Authority: Section 5 of the Children and Family Services Act [20 ILCS 505/5]
- 5) A Complete Description of the Subjects and Issues Involved: The Department has proposed amendments to 89 Ill. Adm. Code 380, Background Checks of Foster Family Home Applicants, to replace the list of crimes in Appendix A of this Part.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date: Yes
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
335.100	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.102	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.200	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.202	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.204	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.206	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.300	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.302	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.304	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.306	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.310	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.312	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.314	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.316	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.318	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.320	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.322	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.324	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.326	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.328	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.330	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.332	Repeal	March 24, 1995 (19 Ill. Reg. 3666)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 335.334 Repeal March 24, 1995 (19 Ill. Reg. 3666)
- 335.336 Repeal March 24, 1995 (19 Ill. Reg. 3666)
- 335.338 Repeal March 24, 1995 (19 Ill. Reg. 3666)
- 335.340 Repeal March 24, 1995 (19 Ill. Reg. 3666)
- 10) State of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:
Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62761-1498
(217) 524-1983 or TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.
- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335
RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section
335.100 Purpose
335.102 Definitions

SUBPART B: PLACEMENT

Section
335.200 Identification and Selection of Relative Placements
335.202 Placement Pre-Conditions
335.204 Continuation of Placement
335.206 Required Notices and Information
335.208 Payment Provisions (Repealed)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section
335.300 Provisions Pertaining To Approval
335.302 Safety Requirements for the Relative Family Home
335.304 Requirements For Sleeping Arrangements
335.306 Nutrition and Meals
335.308 Business and Employment of Relative Foster Parents (Repealed)
335.310 Qualifications of Relative Family Home
335.312 Background Inquiry
335.314 Health of Relative Family
335.316 Number of Children Served
335.318 Meeting Basic Needs of Related Children
335.320 Health Care of Related Children
335.322 Religion
335.324 Education
335.326 Discipline of Related Children
335.328 Emergency Care of Related Children
335.330 Release of Children
335.332 Confidentiality of Information
335.334 Required Written Consents
335.336 Records To Be Maintained
335.338 Cooperation with the Supervising Agency and the Department
335.340 Severability of This Part

APPENDIX A

Crimes Identified in Section 4.2 of the Child Care Act of 1969
(Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. 14436, effective August 31, 1994, for a maximum of 150 days; emergency expired on January 30, 1995; amended at 19 Ill. Reg. 6204, effective April 12, 1995; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 335, APPENDIX A Crimes Identified in Section 4.2 of the Child Care Act of 1969 (Repealed)

Crimes identified in Section 4.2 of the Child Care Act of 1969--include--these serious criminal offenses under the Criminal Code of 1961--729--IBCS-51--or under any--earlier--Illinois criminal law or code or an offense in another state--the elements of which are similar--and--bear a substantial relation--to--any--of--the criminal offenses specified below:

Murder
Kidnapping
Aggravated Kidnapping
Child Abduction
Aggravated Battery of a Child
Criminal Sexual Assault
Aggravated Criminal Sexual Assault
Criminal Sexual Abuse
Aggravated Criminal Sexual Abuse
Child Pornography
Exploitation of a Child
Obscenity
Harmful Material
Use in Sales of Obscene Publications to Distributors
Indecent Solicitation of a Child
Public Indecency
Sexual Relations Within Families
Prostitution
Soliciting for a Prostitute
Soliciting for a Juvenile Prostitute
Pandering
Keeping a Place of Prostitution
Keeping a Place of Juvenile Prostitution
Patronizing a Juvenile Prostitute
Pimping
Juvenile Pimping

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Duck, Goose and Coot Hunting2) Code Citation: 17 Ill. Adm. Code 5903) Section Numbers: Proposed Action:

590.10	Amendments
590.15	New Section
590.20	Amendments
590.25	Amendments
590.26	Repealed
590.30	Repealed
590.40	Amendments
590.50	Amendments
590.60	Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to standardize site specific waterfowl hunting regulations, including hunting hours, stacked blinds, portable boat blinds, temporary blinds and check-in and check-out procedures; add language requiring a 200 yard spacing between waterfowl hunting parties except at DOC stacked blind sites.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rule has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.
- 13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas: Included in Regulatory Agendas submitted for period 1/1/95-6/30/95.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 590
DUCK, GOOSE AND COOT HUNTING

Section	Statewide Regulations
590.10	Duck, Goose and Coot General Hunting Regulations on all
590.15	Department-Owned and -Managed Sites
590.20	Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25	Illinois Youth Goose Waterfowl Hunting Permit Requirements
590.26	Illinois Youth Duck Hunting Permit Requirements [Repealed]
590.30	Duck, Goose and Coot General Hunting Regulations on all
	Department-Owned and -Managed Sites [Repealed]
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting
590.70	Ohio River
EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)
AUTHORITY:	Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; emergency amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired January 28, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (411r-Rev. Stat.-1991r ch-617-par-2-18) [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
- e) Emergency Closure
- The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

- 6) ~~Closed Areas and Refuges~~
i) ~~Bucks---Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.~~

- 2) ~~Geese and Refugees~~
A) ~~Additional---geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.~~
B) ~~Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:~~

i) ~~Horseshoe Lake Conservation Area---Alexander County (the refuge area shall be defined as all State-owned land and those areas adjacent with in the State-owned waterfowl refuge described. Beginning at the intersection of State Highway No. 3 and the Olive Branch Water City Road, thence in a southerly direction to the intersection of the Olive Branch Water City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 37, thence northerly to the intersection of Old Highway No. 3 and State Highway No. 3 and thence northerly along State Highway No. 3 to the point of beginning at Olive Branch) in the refuge no motors except trolling motors will be allowed from October 15 to March 11~~

ii) ~~Marquette Lake Fish and Wildlife Area (closed to boats October 1 to March 31)~~

iii) ~~Marquette State Fish and Wildlife Area~~

iv) ~~Red Lake and Red Lake Wildlife Management Area~~

v) ~~Snake River-Lower Fish and Wildlife Area (all use other than waterfowl hunting is prohibited from October 1 through the close of the Fulton Knox County goose season)~~

vi) ~~Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 11)~~
vii) ~~Meigs Lake and Meigs Lake Wildlife Management Area (all use other than waterfowl hunting is prohibited from October 1 through the close of the Fulton Knox County goose season)~~
viii) ~~Maple Island that is presently owned by the State of Illinois (all use other than waterfowl hunting is prohibited at all times. All boating is prohibited on waters of the refuge where posted from October 15 through April 15)~~

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- f) Closed Areas**
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.
- g) Commercial Migratory Waterfowl Hunting Area Permits**
- 1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
 - 2) **Subsection (g)-shall-be-in-accordance-with--Section--37--of--the Wildlife-Code-(520-1569-573-77-**
 - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.
 - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- h) ~~Geese Hunting Regulations are located in 17-III-Adm-Code-740.~~**
- h) Waterfowl Hunting Zones:**
- 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
 - 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
 - 3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route ~~ending~~ on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway-12 Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border, except that all of Bond, Effingham, and Fayette counties will be excluded from the Central Zone for goose hunting.
 - 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
 - 5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State, except that all of Bond, Effingham, and Fayette counties will be in the Southern Zone for goose hunting.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 6) ~~4~~ Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
- 7) ~~5~~ Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
- 8) ~~6~~ Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
- 9) ~~7~~ Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).
- 1) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season, hunting hours shall close at sunset daily.
- 2) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.
- 3) Persons in possession of geese in excess of twice the daily bag limit, when such geese were taken within the quota zones, shall tag each individual goose. The tag must contain the hunter's signature and address and the date of kill and the location of the kill.
- 4) The following apply in the Northern and Central Illinois Quota Zones:
 - 1) It is unlawful to hunt Canada geese without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
 - 2) Immediately upon taking possession of a harvested Canada goose, hunters must punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone in which taken.
 - 3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (338-5263) on a touch tone phone.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites

a) Definitions

- 1) Blind site - A position within 10 feet of numbered stake where

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

blind must be constructed. Sites shall be located and marked by the Department of Conservation.

- 2) Blind builder - Person who has been assigned a blind site as a result of the drawing.
- 3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
- 4) Drawing - Procedure by which blind sites are assigned.
- 5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
- 6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.
- 7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.

b) Blind Construction

- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of waterfowl season, after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, seven days prior to the opening date of the waterfowl season on sites posted as being closed to trespassing 7 days prior to waterfowl season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the waterfowl season.

- 5) Not more than 3 persons shall be registered for assignment of any

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned by August 31. Failure to do so shall result in forfeiture of blind.

- 6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.

- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of waterfowl season; failure to meet these standards shall result in forfeiture of blind site.

- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in subsections 590.40(a) and 590.50(a).

c) Use of blinds

- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
- 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.

- 4) Blinds shall not be locked.

- 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.

- 6) No person shall fish within 250 yards of an occupied blind within the hunting area.

- 7) All hunting parties shall hunt over a spread of at least 12 decoys. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.

- 8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

d) Public Drawing

- 1) Time and place for all sites holding drawings shall be publicly announced by the Department of Conservation.
- 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
- 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in subsections 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in subsection 590.50(b) shall apply.
- 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Replacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
- 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:
 - Banner Marsh Fish and Wildlife Area
 - Snake Den Hollow State Fish and Wildlife Area
 - Union County Conservation Area
- b) Permit Requirements
 - 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.
 - 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
 - 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner (two persons hunters per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or three two hunting partners (four persons three hunters per blind) for Banner Marsh. Unfilled blinds shall be filled by a drawing at the sites.
 - 4) Permit-Transferability
 - A) Permits are not transferable.
 - B) For other information write to:
Illinois Department of Conservation
Permit Office - Waterfowl
524 S. Second Street - Room 210
P.O. Box 1945
Springfield, IL 62704-9457
 - 5) Permits for waterfowl hunting will be issued from the Springfield Permit Office for the following areas:
Permit Office for Snake Den Hollow State Fish and Wildlife Area
Union County Conservation Area and Banner Marsh
Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Conservation
Permit Office - Waterfowl
P.O. Box 1945

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Springfield, IL 62794-9457

- c) General waterfowl-hunting regulations for Snake-Den-Hollow-State-Fish and-Wildlife-Area-Union-County-Conservation-Area--and--Banner--Marsh areas

1) Subsection--(f)--of--this--Section--shall--be--in--accordance--with Federal-Regulations--(50-CFR-20)--unless--the--regulations--in--this Section--are--more--restrictive--
 1) Season--dates--bag--limits--and--methods--of--taking--geese--are--set--by the--U--S--Fish--and--Wildlife--Service--Department--of--the--Interior-- unless--State--regulations--are--more--restrictive--All--use--other--than permit hunting is prohibited at Snake Den Hollow from October 1 through close of Fulton-Knox County goose season.

2) Hours, Permits and Stamp Charges

- A) Hunting hours are from legal opening time until 1:00 p.m. 12:00 Noon.
 B) At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of goose seasons, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. At Union County Conservation Area and Banner Marsh hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Union County Conservation Area, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), shall have priority to be reassigned to the better blinds as they become available.

C) A \$15.00 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area. A \$10.00 Daily Usage Stamp must be purchased at Banner Marsh.

- 4) When-daily-quotas-are-not-allocated--permits--shall--be--issued--to standby-hunters--by--a-drawing--held--at--the--check--station--
 5) Hunters--are--required--to--deposit--their--hunting--license--and--Federal--and--State--Migratory--Waterfowl--Stamp--in--the--check--station--white--hunting--Persons--exempt--by--law--from--having--a--hunting--license--and--an--Illinois--Stamp--must--deposit--their--Firearm--Owner's--Identification--Card--Persons--under--21--who--do--not--have--a--card--must--be--accompanied--by--an--adult--who--has--a--valid--card--in--his--possession--
 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

7) Baiting-with-corn--grains--or--other--feed--is--not--allowed--

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 4) Guns must be unloaded and encased at all times when not hunting.
 9) Disturbing-or-molesting-waterfowl-fishing-or-trespassing-within the-posted-area-of-any-hunting-ground-is-prohibited--
 d) Special-Canada-geese-hunting-regulations-for-Union-County-Conservation Area--

5) The legal hunting season for Union County Conservation Area is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

6) The legal hunting season at Snake Den Hollow is the dates of the Fulton-Knox County goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.

7) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season. Goose hunting is prohibited after the duck season.

8) Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag at Union County Conservation Area and Snake Den Hollow.

9) Hunters cannot leave their blinds and retrieve their crippled geese but they must leave their guns in the blinds.

9) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Union County Conservation Area.

10) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

5) Hunters shall use only decoys provided by the Department. The use or possession of any other decoys is illegal.

6) Hunters must pick up decoys and place them next to the blind prior to checking out.

e) Special duck regulations for Banner Marsh

1) The legal hunting season is the dates of the central zone duck hunting season.

2) All hunting parties (each blind) are required to use a minimum of 12 duck decoys.

3) Hunters can bring a private boat.

4) Hunters must be at least 16 years of age to draw for a blind at Banner Marsh.

5) Goose hunting will be prohibited after the duck season.

f) Special Canada goose hunting regulations for Snake Den Hollow

1) The legal hunting season is the dates of the Fulton-Knox County goose hunting zone.

2) Hunters must not possess more than 5 shells for each Canada goose allowed in the daily bag.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 3) Hunters must not enter the refuge in pursuit of crippled geese.
 4) Hunters must be at least 16 years of age to draw for a blind.
 5) Closed on Tuesdays, Wednesdays and December 24-25 and 26.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.25 Illinois Youth Waterfowl Goose Hunting Permit Requirements

- a) State sites covered in this Section, which allow hunting by permit only, are:

Donnelley State Wildlife Area

Horseshoe Lake Conservation Area (Alexander County)

Union County Conservation Area

b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 on the date of the hunt.
- 2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley State Wildlife Area.
- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.
- 4) Permit reservations and transferability.
 - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
 - B) For other information write to:
 Illinois Department of Conservation
 Youth Waterfowl Goose Hunt
 524 S. Second Street, Room 210
 P.O. Box 13457
 Springfield, IL 62794-9457
- 5) Permits for the Illinois Youth Waterfowl Goose Hunt shall be issued from the Springfield Permit Office.
- c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County) and Union County at the Youth Waterfowl Hunting Areas.
 - 1) Subsection (c) shall be in accordance with Federal Regulations (50-CFR-20) unless the regulations in this Section are more

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

restrictive:

- 2) Season dates, bag limits and methods of taking geese are set by the U.S. Fish and Wildlife Service Department of the Interior unless State regulations are more restrictive.

1) Hours, Permits and Stamp Charges

- A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise legal opening until 1:00 p.m. 12:00 noon on the day of the Youth Goose Hunt. Hunting hours at Donnelley State Wildlife Area are sunrise to 1:00 p.m. on the day of the Youth duck hunt.

- B) Hunters with Illinois Youth Waterfowl Goose Hunt permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held to allocate blind sites.

- C) There is no fee for the Illinois Youth Waterfowl Goose Hunting Permit.

- 4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Federal and State Migratory Waterfowl Stamps in the check station. A valid card must be accompanied by an adult who has a valid card in his possession.

- 2) Hunting must be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

- 6) Baiting with corn, grains or other feed is not allowed.

- 7) Hunters must have a 20-gauge or larger shotgun and provide their own ammunition.

- 3) Guns must be unloaded and encased at all times when not hunting. 9) Disturbing or molesting waterfowl fishing or trespassing within the posted area of any hunting ground is prohibited.

- d) Special Canada geese Illinois Youth Goose Hunt hunting regulations for Horseshoe Lake (Alexander County) and Union County.

- 1) The legal hunting season is the first weekday after December 26 other than a Monday.

- 4) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County), each Youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.

- 3) Hunters cannot leave their blind and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blind.

- 5) Each youth and supervising adult may be accompanied by a non-hunting guide.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Section 590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)

- a) State--sites--covered--in--this--Section--which--allow--hunting--by--permit only--are:
Bonnetley--State--Wildlife--Area
- b) Permit--Requirements
- 1) Permit--reservations--shall--be--accepted--starting--in--September--initial--acceptance--dates--shall--be--publicly--announced--Applicants must--be--between--the--ages--of--10--and--15.
 - 2) Only--one--permit--per--person--shall--be--issued--for--the--hunt--on--the third--Sunday--of--the--central--zone--duck--season.
 - 3) The--permit--shall--be--for--the--use--of--the--entire--blind--and--it--shall be--the--responsibility--of--the--permit--holder--to--bring--one supervising--adult--who--may--also--hunt.
 - 4) Permit--reservations--and--transferability:
A) All--duplicate--permit--reservations--shall--be--rejected--and--the hunter--shall--forfeit--his--rights--to--a--permit--Permits--are not--transferable--Previous--participants--are--ineligible--to apply--for--a--permit.
 - B) For--other--information--write--to:
Illinois--Department--of--Conservation
Youth--Duck--Hunt
524--S--Second--Street--Room--210
P.O.--Box--13457
Springfield--IL--62794-9457

- 5) Permits--for--the--Illinois--Youth--Duck--Hunt--will--be--issued--from--the Springfield--Permit--Office.

- c) General--waterfowl--hunting--regulations--for--Bonnetley--State--Wildlife Area:

- 1) Subsection--(c)--shall--be--in--accordance--with--Federal--Regulations (50-CFR-20) unless--the--regulations--in--this--Section--are--more restrictive.
- 2) Season--dates--bag--limits--and--methods--of--taking--ducks--are--set--by the--U.S.--Fish--and--Wildlife--Service--Department--of--the--Interior unless--State--regulations--are--more--restrictive.
- 3) Hours--Permits--and--Stamp--Charges
A) Hunting--hours--at--Bonnetley--State--Wildlife--Area--are--from sunrise--until--12:00--noon--on--November--14--1997.
B) Hunters--with--Illinois--Youth--Duck--Hunt--Permit--reservations are--required--to--check--in--at--the--check--station--between--5:00 a.m.--and--7:00--a.m.--Permits--are--void--after--5:00--a.m.--A drawing--shall--be--held--to--allocate--500--tickets.
- C) There--is--no--fee--for--the--Hunters--Youth--Duck--Hunting--Permit. Hunters--are--required--to--display--their--hunting--tickets--and--Permit and--State--Migratory--Waterfowl--Stamps--in--the--check--station--while hunting--Persons--except--by--law--shall--not--hunt--in--the--area--and a--State--Migratory--Waterfowl--Stamp--must--be--displayed--on--the--Belt--Owner's--Identification--Card--Persons--under--14--who--do--not--have--a

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

card--must--be--accompanied--by--an--adult--who--has--a--valid--card--in--his possession:

- 5) Hunting--must--be--done--from--assigned--blinds--only--and--hunters--shall not--move--from--blind--to--blind--or--leave--the--blind--and--return.
- 6) Baiting--with--corn--grains--or--other--feed--is--not--allowed.
- 7) Hunters--must--have--a--20--gauge--or--larger--shotgun--and--provide--their own--ammunition.
- 8) Guns--must--be--unloaded--and--cased--at--all--times--when--not--hunting.
- 9) Disturbing--or--molesting--waterfowl--fishing--or--trespassing--within the--posted--area--of--any--hunting--ground--is--prohibited.
- 10) The--legal--hunting--season--is--the--third--Sunday--of--the--central--zone duck--season.
- 11) Each--youth--and--supervising--adult--may--be--accompanied--by--a--guide:

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and-Managed Sites (Repealed)

- a) The--regulations--in--this--Section--apply--to--all--sites--listed--in--Sections 590.40--590.50--and--590.60--unless--otherwise--stated--in--those--Sections.
- b) The--regulations--in--these--Sections--are--in--accordance--with--Federal Regulations--(50-CFR-20) unless--the--regulations--in--these--Sections--are more--restrictive.
- c) All--the--regulations--in--17--Ill--Adm--Code--510--apply--in--these--Sections--unless--these--Sections--are--more--restrictive.
- d) Definitions

- 1) Blind--site--A--position--within--10--feet--of--a--numbered--site--where blind--must--be--constructed--Sites--shall--be--located--and--marked--by the--Department--of--Conservation.
- 2) Blind--builder--Person--who--has--been--assigned--a--blind--site--as--a result--of--the--drawing.
- 3) Blind--partner--Person(s) chosen--by--the--builder--to--assist--in construction--and--maintenance--of--the--blind--and--to--share--its hunting--privileges.
- 4) Baiting--Procedure--by--which--blind--sites--are--assigned.
- 5) Blind--registration--card--card--issued--by--the--Department--and tacked--inside--each--blind--listing--names--and--addresses--of--blind builders.
- 6) Complete--blind--A--blind--with--all--framework--and--siding constructed--and--in--readiness--for--use--including--final--baiting.
- 7) Hunting--party--An--individual--or--group--of--hunters--occupying--a single--boat--blind--or--hunting--site.
- e) Blind--Construction
1) Blinds--must--be--at--least--4--feet--x--8--feet--but--no--higher--than--4 feet--from--the--water--surface--at--normal--pool--level--to--the--top--of the--shooting--box--study--enough--to--withstand--daily--weather--and

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform floating or boat blinds or by walk-in hunting in non-refuge closed or otherwise restricted areas. All hunting parties must remain 200 yards apart and follow normal closing hours for the site. Pre-placement of unattended decoys and/or unoccupied blinds or boat hides does not constitute lawful possession of a hunting site.
- 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) Sites covered in this Section are:

Anderson Lake Conservation Area
 Barchtown (Federal Bands)
 Calhoun Point (Federal Bands)
 Glades (Federal Bands)
 Godar Diamond (Federal Bands)
 Horseshoe Lake State Park - Madison County
 Lake DePue State Fish and Wildlife Area
 Marshall County Conservation Area
 Mazonia State Fish and Wildlife Area
 Rice Lake Conservation Area
 Sanganois Conservation Area
 Spring Lake Conservation Area
 Stamp Lake (Federal Bands)
 Woodford County Conservation Area

a)b) The sites listed in this Section above in Section 590.40(a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15 590.30), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.

- 1) Anderson Lake Conservation Area - All Management Units (previous years blind builders shall have until February 1 to salvage blind materials) (legal opening---noon)
- 2) Barchtown (legal opening---3:30 p.m. closing; Central Standard Time (CST)) (3 year blind allocation period)
- 3) Calhoun Point (legal opening---3:30 p.m. CST closing) (3 year blind allocation period)
- 4) Glades (legal opening---3:30 p.m. CST closing) (3 year blind allocation period)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 5) Godar Diamond (legal opening---3:30 p.m. CST closing) (3 year blind allocation period)
 - 6) Horseshoe Lake - Madison County (legal opening---3:30 p.m. CST closing; goose hunting is prohibited after the duck season)
 - 7) Lake DePue (sunrise---noon sunrise opening)
 - 8) Marshall County Conservation Area - (previous years blind builders shall have until February 1 to salvage blind materials) - Spring Branch Unit (legal opening---noon)
 - 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season legal opening-to-12-noon; goose season coincides with site duck season; closed Mondays and Tuesdays)
 - 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials legal opening---noon)
 - 11) Sanganois Conservation Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held prior to or after the duck season legal opening---noon)
 - 12) Spring Lake (previous years blind builders shall have until February 1 to salvage blind materials legal opening---noon; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)
 - 13) Stamp Lake (3 year blind allocation period; legal opening---3:30 p.m. CST closing)
 - 14) Woodford County Fish and Wildlife Conservation Area (previous year's blind builders have until February 1 to salvage blind materials legal opening---noon)
- b)c) The following regulations apply to all sites listed in this Section under Subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first-come basis, as per 590.50 (b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
 - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
 - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- check station.
- 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
 - 5) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 3 days prior to the waterfowl season as posted at the site.
 - 6) It shall be unlawful to trespass upon the designated waterfowl hunting area 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 19 to the end of the waterfowl season on Anderson Lake, Depue Lake, Marsh Lake, County Spring Lake, and Woodford County Sites, Godar Diamond and Grati Impoundment.
 - 7) It shall be illegal to fish or trespass upon the designated waterfowl hunting area or waterfowl refuge beginning two weeks prior to the waterfowl season until the end of the waterfowl season at Mazonia Fish and Wildlife Area.
 - 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of waterfowl season through the waterfowl season.
 - 7) No more than 4 persons shall occupy a blind at one time.
 - 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
 - 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Batchtown, Calhoun Point, Glades, Godar Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m. - 1:00 p.m.) after which time the area shall be closed to additional hunters.
 - 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a).
- After this date, all materials become the property of the new blind builder or the Department.
- d) During duck season blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time or during the time in parentheses, after which time the area shall be closed to additional hunters.
- Anderson Lake (one hour before hunting time - 10:00 a.m.)
 Batchtown (9:00 a.m. - 1:00 p.m.)
 Calhoun Point (9:00 a.m. - 1:00 p.m.)
 Glades (9:00 a.m. - 1:00 p.m.)
 Godar Diamond (9:00 a.m. - 1:00 p.m.)
 Horseshoe Lake - Madison County (9:00 a.m. - 1:00 p.m.)
 Lake Depue (one hour before hunting time - 9:00 a.m.)
 Marsh Lake - County Conservation Area - Spring Branch Unit (one hour

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- before shooting time - 9:00 a.m.)
 Mazonia Fish and Wildlife Area (one hour before hunting time - 9:00 a.m.)
 Rice Lake Conservation Area (one hour before hunting time - 9:00 a.m.)
 Sangamon Conservation Area (one hour before hunting time - 10:00 a.m.)
 Spring Lake (one hour before hunting time - 9:00 a.m.)
 Stump Lake (9:00 a.m. - 1:00 p.m.)
 Woodford County Conservation Area (one hour before hunting time - 9:00 a.m.)
 e) Blind sites shall be allocated for a one year period by a public drawing at:
 Anderson Lake (Anderson Lake Management Unit)
 Horseshoe Lake (Madison County)
 Lake Depue
 Marsh Lake - County Conservation Area - Spring Branch Unit
 Mazonia State Fish and Wildlife Area
 Rice Lake Conservation Area
 Sangamon Conservation Area
 Spring Lake
 Woodford County Conservation Area
 f) Blind sites shall be allocated for a 3 year period by a public drawing at (location of drawing site in parentheses)
 Batchtown (Batch Park)
 Godar Diamond (Hardin Fairgrounds)
 Calhoun Point and Stump Lake (Stanton-Batt Park)
 Glades (Rosedale Headquarters Building)
 g) Previous year's blind builders shall have until the time as noted in parentheses to salvage materials from their blinds.
 Anderson Lake (February 1 of the following year)
 Batchtown (February 1 of the following year)
 Calhoun Point (February 1 of the following year)
 Glades (February 1 of the following year)
 Godar Diamond (February 1 of the following year)
 Horseshoe Lake - Madison County (February 1 of the following year)
 Lake Depue (February 1 of the following year)
 Marsh Lake - County Conservation Area - Spring Branch Unit (February 1 of the following year)
 Mazonia State Fish and Wildlife Area (February 1 of the following year)
 Rice Lake Conservation Area (February 1 of the following year)
 Sangamon Conservation Area (February 1 of the following year)
 Spring Lake (February 1 of the following year)
 Stump Lake (February 1 of the following year)
 Woodford County Conservation Area (February 1 of the following year)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- h) Re-registration process for "3-year" blind allocation sites:
 1) Bachtown-Eaton-Point-Grader-Solar-Diamond-and-Stamp Lake
 In those years, at the 3 year blind allocation period areas, when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and present a have-in-his-possession the current year's Illinois hunting license and State Waterfowl Stamp for himself and his blind partners. Failure to re-register during prescribed period shall result in loss of blind site.
- 2) Blind-builders--may-not-be-added-or-transferred-to-another-blind after-the-initial-blind-registration-has-occurred.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section. Sites covered in this Section--have additional regulations in parentheses:

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blind materials must be salvaged 7 days after current year's drawing; except blind numbers 15, 18 and 20 must be removed in their entirety by May 1)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period Federal-bands--legal-opening---3:30 p.m. CST)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Helmbold Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period Federal-bands--legal-opening---3:30 p.m. CST)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake DePue Walk-in Unit (daily drawing; daily hunting hours are sunrise to 1:00 p.m.)

Lake Siniissippi (Department Owned Land; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31, and 32 must be removed in their entirety by May 1)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Mississippi-River-Pools-167-177-187-197-227-247-257--26--(Federal-bands)

Mississippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Velle Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 171); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Pekin Lake (Department Owned Land)

piasa Island (3 year blind allocation period Federat-bands)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in area only; during the regular duck season, no permanent blinds; daily hunting hours will close at 3:30 p.m. CST Federal lands)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.; hunting hours close at 12 noon daily; no goose hunting except during duck season)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in only, daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Previous years blind builders shall have until February 1 to salvage blind materials; sign in and sign out to report harvest required)

William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites **as announced** at the drawing; previous years blind builders shall have until February 1 to salvage blind materials).

b) ~~the sites listed above in subsection (a) are not subject to the Regulations (Section 54(1) and General Amendment Regulations (Section 59(4)) except as noted in the remainder of this Section. The following regulations apply to all sites listed in this Section under subsection (a).~~

1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first-come basis.

2)3) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

3) All hunting must be from registered blinds only unless otherwise

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

noted in parentheses under subsection (a).

4) Blind sites shall be allocated for a period of one year unless otherwise noted. Participants under section (a).

5) Previous year's blind builder shall have until 10 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.

6) NO more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.

7) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State Game and Fish stamp to each blind outlet. Blinds not re-registered will be allocated by a drawing of first come first served basis.

8) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of the waterfowl season through the waterfowl season as posted at the site.

9) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

一、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 二、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 三、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 四、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 五、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 六、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 七、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 八、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 九、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。
 十、電報の送受信は、電報局の電報機を用いて、電報の送受信を可能にする。

[illegible][illegible][illegible]

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 3) Mississippi River Pools--167-17-and-18
Blind-builders must re-register blinds by mail or phone for the second year of the 2-year allocation. Blinds not re-registered prior to 2 weeks before duck season will be allocated for the second year of the 2-year period on a first come, first served basis by calling the District Wildlife Manager beginning 2 weeks before duck season from 9 a.m. to 12 noon.
- 4) At William Powers--fishing--from boats--during waterfowl season is untaxed--fishing--from the shore--in areas posted as waterfowl hunting areas--during waterfowl hunting season is untaxed.
- 5) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes of Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

Redwing Slough/Deer Lake

William Powers Conservation Area

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed at sites covered in this Section conform to Statewide Regulations (Section 590.10), and General Department Regulations (Section 590.30) and the following regulations, except as noted, in the remainder of this Section:--these sites are:

Bradwood Lake

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Certyle Lake Project Bands and Waters

Cedar Lake

Chancey Marsh

Clinton Lake State Recreation Area

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Grab Orchard Refuge

Bog Island Wildlife Management Area

Bonnetty State Wildlife Area

Bidon Hazlet State Park

Fox Ridge State Park

Ft. de Chartres Historic Site

Heidecke State Fish and Wildlife Area and Powerton Lake

Horseshoe Lake Conservation Area (Alexander County) Baiting--Drawing Waterfowl--Hunting Area--Only

Horseshoe Lake--Conservation Area--(Alexander County)--Public Hunting Area

Horseshoe Lake State Park (Madison County)

Joliet Army Ammunition Plant

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville

Lake Shelbyville Fish and Wildlife Management Area

Mermet Lake Conservation Area

Mississippi River Area Fish and Wildlife Area

Oakford Conservation Area

Pike County Conservation Area

Powerton Lake Regulations Combined with Heidecke Lake

Rend Lake Project Bands and Waters

Rice Lake Conservation Area

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Saline-County-Conservation-Area

Sangamon-Conservation-Area

Sangchris-Bake-State-Park

Shawnee-National-Forest-Bluff-Bake

Shawnee-National-Forest-SaRue-Scatters

Shawnee-National-Forest-Oakwood-Bottoms-(West-of-the-Big-Muddy-Bevee)

Stephen-A.-Forbes-State-Park

Ten-Mile-Creek-State-Fish-and-Wildlife-Area

Turkey-Bluffs-Pish-and-Wildlife-Area-(All-hunters-must-sign-in-and-out-and-report-kill; no permanent blinds allowed)

Union-County-Conservation-Area-(firing-line-Waterfowl-Management Area)

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with a (1).
- 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end of the day's hunt.
- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites and 300 yards from power lines.
- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of waterfowl season through the waterfowl season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.
- b) Site specific regulations

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Braidwood-Bake

A) Definitions:

- i) Boat-blind-(water--blind)--a-portable-form-of-boat which must be completely concealed--(including--final brushing)--before-entering-the-area
- ii) Water-blind-site--a-position-within-50-yards-of-a numbered-stake-or-buoy--or--a-position-between--two like-numbered-buoys--where-a-blind-may-be-located
- iii) Daily-draw--procedure-by-which-blinds-or-blind-sites are-allocated-daily
- iv) Refuge--an-invoiate-area-on-which-all-hunters--and the-general-public-may-not-trespass
- B) Waterfowl-hunting-shall-be-restricted-on-Baitment-leased-or managed-lands-and-waters-only-as-designated-blind-stakes
- C) Water-blind-site-shall-be-designated-by-the-Department-of Conservation-and-marked-with-a-numbered-stake-or-buoy
- D) Blind-site-shall-be-located-on-a-daily-draw-basis conducted-at-the-check-stations-90-minutes-before-drawing time--Hunters-shall-register-as-baitment--for-the-drawing each-party-shall-be-allowed-to-stake-out-blind-site-in order-draw--only-those-hunters-registered-in-party-shall-be allowed-to-hunt-with-the-party--no-more-than-three-hunters per-party--persons-under-the-age-of-16-and-not-be-allowed to-hunt-unless-accompanied-by-an-adult
- E) Blind-sites-not-selected-during-the-drawing-shall-be allocated-on-a-first-come--first-served-basis--vacant-blind sites-shall-be-allocated-90-minutes-after-legal-hunting time--No-blind-sites-shall-be-allocated-after-1:00-a.m.
- F) Hunters-wishing-to-move-to-another-blind-site-must-report this-move-to-the-check-station-attendents-in-person-before such-a-move--except-that-after-10:00-a.m.-daily-hunters-may move-to-a-vacant-blind-site-without-notifying-attendents-but such-a-move-must-be-reported-when-checking-out
- G) Hunting-shall-be-from-boat-blinds-with-a-minimum-length-of-16--feet--and--a-minimum-60-inch-beam--and-must-have-a gas-powered-motor
- H) Access-to-blind-sites-shall-be-by-boat-only--and--from designated-boat-launch-sites
- I) No-motor-ann-3-persons-shall-use-one-blind--portable-boat blinds-must-have-been-completed--including--final-brushing before-entering-the-area--and-be-removed-at-the-end-of-each hunting-day
- J) Daily-hunting-hours-will-be-legal-opening-time--10--12:00 Noon--upon-vacating-blind--all-hunters-must-report-to-the check-station-within-1-hour--at-1:00-time-the-boat-must be-checked-in-and-displayed-to-the-station-operator-and hunting-licenses-returned
- K) Each-hunting-party-is-required-to-hunt-over-a-minimum-of-12

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

decoys--Decoys must be picked up immediately after the hunt is over.

B) No unauthorized pits or blinds shall be built on Department leased or managed land or water.

M) Braided Lake shall be closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and be closed to all fishing during waterfowl seasons commencing with duck season.

N) No hunting allowed on Monday and Tuesday.

O) Bayou boats approved in advance by the site superintendent shall be permitted. A layout boat is defined as a non-motorized flat-bottom low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the designated tender boat location.

P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

Q) Hunting is closed on Christmas Day.

R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

S) It is unlawful to shoot across any dike.

T) Waterfowl hunting closes at the end of duck or goose season whichever is later. No goose hunting during goose seasons held prior to duck season is permitted.

U) In the event of adverse water and/or weather conditions such as flooding, high winds, or heavy fog, hunting shall be prohibited.

1)2) Cache River State Natural Area (1)

A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Getting at live trees and snags on the area is prohibited.

B) Dedicated Nature Preserve areas are closed to hunting.

2)3) Campbell Pond Wildlife Management Area (1)

A) All blinds must be of a portable nature and must be removed or dismantled at the end of the day's hunt.

3)4) Carlyle Lake Project Lands and Waters

A) Hunting hours for waterfowl are statewide opening hour until 4:00 p.m.

B) Waterfowl and coot hunting only shall be permitted in the subimpoundment area except in clearly posted rest areas or

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

developed--recreation--areas--or--within--500--feet--of--construction--sites--or--developed--recreation--areas--during--waterfowl--season.

E) No permanent blinds, goose pits, or other structural works may be constructed or dug on State-managed lands at any time except that the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site and must be removed at the end of the day's hunt.

A) B) It is unlawful to enter the subimpoundment area during the 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 4:30 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the waterfowl hunting season. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and the Hurricane Creek Area (as defined in subsection 590.60(b)(3)(E)).

B) B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

C) Individual float tubes (not to exceed 42" diameter) and capable of supporting only one person may be used.

D) Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Conservation personnel shall post that the area is open to boats and will designate boat launching locations. Boats and electric trolling motors only are allowed only at these times in the subimpoundment areas.

E) In the subimpoundment areas, compartments 3 and 4 will be waterfowl rest areas during the entire waterfowl season. No waterfowl hunting shall be permitted on Hurricane Creek area which is defined as the area bordered by the Kaskaskia River on the South, D levee on the west, the Texas Oil Company pipeline on the north, and C levee on the east. No hunting within 50 yards of D levee (which surrounds subimpoundment 3) or F levee (which surrounds subimpoundment 4) is permitted. No trespassing will be allowed, except for hunters boating through the Hurricane Creek area to hunt north on Hurricane Creek or in the subimpoundments. At the close of duck hunting season, known eagle protection areas

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

will be posted by the Site Superintendent and will be closed to goose hunting.

E)† Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.

d)† A minimum of 200 yards shall be maintained between waterfowl hunting parties.† A hunting party shall be defined as an individual or group of hunters occupying a single boat blind or hunting site.†

K)† No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subpondment area.

E)† No motor driven vehicles are allowed in the subpondment area except those operated by Department of Conservation or Corps of Engineers personnel.

G)† All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest registration box located at the access parking lot. All hunters must sign out and record their harvest daily before they exit the area.

H)† The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.

5)† Cedar Lake
All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

4)† Chaucery Marsh (1)

A)† Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

B)† No permanent blinds or pits may be constructed or dug at any time.† All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt.† Cutting of live trees is prohibited.

E)† Dedicated Nature Preserve area is closed to hunting.

5)† Clinton Lake (1)

A)† Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.

B)† Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southernmost point of the central peninsula to the Davenport Bridge and within 200 yards of developed recreation areas construction and industrial sites or within 300 yards of electrical power lines.

E)† Hunting parties must maintain a minimum distance of 200 yards apart.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

C)† No more than 43 persons shall occupy or use a portable boat blind.

B)† Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.

D)† Each hunting party is required to hunt over a minimum of 12 decoys.

6)† Dog Island Wildlife Management Area (1)

Hunters must sign in prior to hunting and sign out reporting harvest at end of each day. All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

7)† Donnelley State Wildlife Area

A)† Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first third Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 of the central zone duck season except as indicated in Section 590.25 590.26.

B)† Hunting hours start at are from sunrise to 12 Noon.

C)† Goose hunting is prohibited after the close of the duck season.

D)† All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.

E)† All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

F)† \$10.00 daily usage stamp must be purchased to hunt this area.

G)† No outboard motors are allowed by public - only by authorized DOC personnel.

H)† No more than 3 persons shall occupy a blind at any one time.

I)† All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m. † p.m.

J)† All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.

K)† The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

L)† One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

10)† Biron-Hazlet State Park

A)† Hunting hours close at 1:00 p.m.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

B) Waterfowl and coot hunting shall be permitted except in clearly posted refuge areas or developed recreation areas or within 500 feet of construction sites developed for recreation areas, fisheries, rearing ponds, roadways, and residences.

8) Fox Ridge State Park (1)

A) Hunting restricted to Embarras River and its flood waters.

B) No permanent blinds of any kind or other structural works are permitted.

C) No pits shall be dug, built or occupied.

9) Fort de Chartres Historic Site (1)

A) No check station.

B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.

C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.

D) Hunting parties must maintain a minimum distance of 200 yards apart.

E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

F) Muzzleloading shotguns only.

G) No hunting is allowed during firearm deer season.

10) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

A) Definitions:

i) Boat-blind--(water-blind)--a portable form of boat which must be completely concealed (including final brushing) before entering the area.

ii) Water-blind--a position within 10 yards of a numbered stake or buoy where a blind may be located.

iii) Bait-draw--procedure by which blinds or blind sites are allocated daily.

iv) Refuge--an inviolate area on which all hunters and the general public may not trespass.

B) Waterfowl hunting shall be permitted on Department leased or managed lands and waters only at designated blind sites.

C) Water-blind sites shall be determined by the Department of Conservation and marked with a numbered stake or buoy.

D) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

accompanied by an adult.

B) Blind sites not selected during the drawing shall be allocated on a first-come, first-served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

C) Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

D) Access to water blind sites must be by boat only and from designated boat launch sites.

E) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area and be removed at the end of each hunting day.

F) Daily hunting hours shall be legal opening time to 12:00 Noon. Upon vacating blind sites blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

G) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

H) No unauthorized pits or blinds shall be built on Department leased or managed land or water.

I) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season.

J) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes Lake. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.

K) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor, however layout boats approved in advance by the state superintendent will be permitted. A layout boat is defined as a nonmotorized flat-bottom tow profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam and is powered by a gasoline motor. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.

J10) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

K1P) Hunting is closed on Christmas Day and New Year's Day.

L10) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

M1R) It is unlawful to shoot across any dike at Heidecke Lake.

N1S) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season at Powerton Lake.

Q) In the event of adverse water and/or weather conditions such as flooding, high winds, or heavy fog, hunting will be prohibited.

11) 4) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held 60 minutes prior to legal hunting hours at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys.

G) Hunters daily hunting hours will be from sunrise to 12 Noon. Hunters must return to the check station and report their harvest by 2:00 p.m.

H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

12) 15) Horseshoe Lake (Alexander County) Public Hunting Area

A) No permanent blinds may be built.

B) Daily hunting hours close at 12:00 Noon.

16) Horseshoe Lake State Park (Madison County) and Mississippi River Area Fish and Wildlife Area (includes Batchtown, Gathoun Point, Slades, Godar Diamond, Stamp Lake, Fuller Lake, Heimbold Slough, Pisary Red's Landing, Illinois River, Pool 267, Rapp Banding, and Mississippi River Pools 25 and 26.

A) A pathote cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

B) Blinds must be completed including final brushing 4 weeks in advance of the opening date of waterfowl season after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

C) Sites on which blinds have not been built as well as sites on which blinds are an unsatisfactory quality have been built and have failed the inspection pursuant to Section 590.25 shall be given one week to correct deficiencies. Blinds failing the second inspection shall be reassigned to alternates selected at a drawing or by a first come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed including final brushing in advance of the opening date of the waterfowl season.

13) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

14) 7) Joliet Army Ammunition Plant (Will County)

A) Hunters must waterfowl hunting hours are from statewide opening until 12 noon with check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.

B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.

C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.

D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

15) Kaskaskia River Fish and Wildlife Area

A) Hunting hours are statewide opening hour until 1:00 p.m. during the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first-come, first-served basis, and hunt at least 200 yards from the next hunting party.

C) No permanent blinds allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.

D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

E) No one under 16 years of age shall hunt or attempt to hunt on the area unless accompanied by an adult due to safety factors.

F) Between the Highway 13 and Highway 154 bridges, all hunters are required to sign out and report harvest daily at the nearest check station.

G) The following regulations apply to the Doza Creek Waterfowl Management Area:

- i) This area shall be closed to all public use 3 days prior to waterfowl hunting season. No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
- ii) Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season. If the second firearm deer season occurs after duck season.

16) Kidd Lake State Natural Area (1)

17) Kinkaid Lake Fish & Wildlife Area (1)

- A) No permanent blinds.
- B) Temporary blinds only.
- C) 200 yards apart.

20) Lake DePue (walk-in area)

- A) Blinds will be allocated by a daily drawing held 1 hour before hunting time.
- B) Hunting hours are from sunrise to 12 noon daily.
- C) All hunting shall be from designated blinds only.
- D) Refitting or changing blinds will not be permitted.
- E) Goose hunting is prohibited after the close of the duck

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Season:

- P) All parties must hunt over a minimum of 12 decoys.
- G) No boats are allowed in the walk-in area.
- H) The walk-in area will be closed to hunting on November 14 (this is to accommodate the Youth-Buck Hunt).
- I) All parties are required to report to the check station within 1 hour after termination of hunt or no later than 1 p.m.

18) Lake Shelbyville (except for land/waters covered in subsection 590.60(b)(19) (1)

19) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 4:00 a.m. and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:
 - i) All parties must hunt within 10 yards of their assigned stake.
 - ii) All parties must be in place by one-half hour before hunting time.
 - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Daily hunting hours shall be from legal opening to 12 p.m. Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection H above.

E) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

F) The hunting of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

H) No-goose-pits-shall-be-bait-or-dug-
E) Motors of over 10 horsepower shall not be operated in the
Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
E) Waterfowl hunting only is permitted in the Fish Hook, Dunn,
Jonathan Creek and McGee Waterfowl Areas during the regular
waterfowl season, except that pheasant, rabbit and quail
hunting is permitted after 1:00 p.m. daily beginning the day
after the close of the Central Zone Duck Season.

G) During the regular waterfowl season, no bank or boat
fishing shall be permitted on the Kaskaskia River from the
Strickland Boat Access north to the Illinois Central
Railroad bridge from one-half hour before sunrise until 1:00
p.m.

H) A free permit is required, which is obtained from the site
office. Permits must be in possession while hunting
waterfowl. The permit must be returned and harvest reported
by February 15 or the hunter will forfeit his hunting
privileges at this site for the following year.

20) Meredosia Lake - Cass County Portion Only (meandered waters
only) (a) Boat traffic is prohibited from operating on meandered
waters (except non-motorized boats may be used to assist in the
retrieval of waterfowl shot from private land) from the
period from one week before waterfowl season opens until the
season closes.
(b) Hunting and/or any other activity is prohibited during the
period from one week before waterfowl season opens until the
season closes.

A) All boat traffic is prohibited from operating on meandered
waters (except non-motorized boats may be used to assist in
the retrieval of waterfowl shot from private land) from the
period from one week before waterfowl season opens until the
season closes.

B) Hunting and/or any other activity is prohibited during the
period from one week before waterfowl season opens until the
season closes.

21) Mernmet

A) Waterfowl hunting shall be permitted only during the duck
hunting season.

B) Hunting is allowed in both the walk-in and blind areas only.
Those individuals wishing to hunt in the walk-in area are
required to deposit their hunting licenses and register at
the check station prior to entering the area. Individuals
who wish to use the blind area are required to deposit their
hunting licenses and participate in a daily drawing during
which blinds shall be assigned. Hunting parties shall not
change blinds without prior approval from the check station
operator. Those persons exempted by law from having hunting
licenses must deposit their Firearm Owner's Identification
Cards.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

C) The daily drawing shall be held one hour prior to legal
opening hunting time.

D) All members of the hunting party shall register as a group
(not to exceed 4 persons per group) for the purpose
of the drawing.

E) Those hunters in the blind area shall park in designated
areas. These parking areas shall be numbered to correspond
with particular blind sites located along the levee road.

F) In the blind area, a minimum of 12 decoys per blind is
required while hunting waterfowl.

G) Daily hunting hours shall be the legal opening until 12:00
noon local time.

H) All boats are prohibited from entering the duty posted
waterfowl refuge (Main Lake) from October 1 until the close
of the waterfowl season.

22) Oakford Conservation Area (1)

A) All blinds must be portable. No permanent blinds.

B) Waterfowl hunters must maintain a distance of 200 yards
between hunting parties.

23) Pike County Conservation Area (1)

Statewide season regulations apply except that the season closes
November 30 in Area A and December 15 in Area C, or the legal
statewide closing, whichever is earlier.

24) Rend Lake Project Lands and Waters

A) All blinds must be of a portable nature or constructed with
natural vegetation located at the blind site and must be
removed or dismantled at the end of the day's hunt.

B) No goose pits or permanent blinds shall be dug or built on
project lands.

A) All waterfowl hunters and all boats must be out of the
Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each
day of the waterfowl season and not return until 4:30 a.m.,
except during the last 3 days of the Canada goose season,
hunters must be out of the areas by one hour after sunset
and not return until 4:30 a.m.

B) No hunting permitted from the subimpoundment dams.

C) No waterfowl hunting permitted within 200 yards of the
refuge boundary, or within 100 yards of any private property
boundary.

F) The distance between waterfowl hunting parties shall be no
less than 200 yards.

D) No waterfowl hunting permitted within 200 yards of any
Whistling Wings Access Area daily drawing blind/pit.

E) All boat traffic is prohibited from entering the duly
posted waterfowl refuge and the subimpoundments from 12
weeks before waterfowl season until March 1 except that
boats used by waterfowl hunters are permitted in the
subimpoundments from 4:30 a.m. until 2 p.m. during the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

waterfowl--season--except--during--the--last--3--days--of--the--Canada--goose--season--boats--used--by--waterfowl--hunters--are--permitted--in--the--subimpoundments--from--4:30--a.m.--until--one--hour--after--sunset.

F)† All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

G)† Permanent blinds at the Whistling Wings Access Area shall be allocated by a daily drawing at 5:30 a.m.

K)† Each hunting party is required to hunt over a minimum of 12 decoys at each blind site and all decoys must be picked up at the end of each day's hunt.

H)† During daily hunting hours for waterfowl shall be from legal opening time to 1:00 p.m., except during the last 3 days of Canada goose season, hunting hours shall close at sunset daily.

I)† The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
- ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
- iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
- iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
- v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
- vi) Bounded on Nason Point by refuge boundary signs at project limits.

J)† After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

27) Rice Lake (Walk-in and Copperas Creek Management Units)

A)† Hunting shall be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.

B)† Hunters shall be determined by a daily drawing at the designated check station.

C)† Hunting hours shall be from legal opening time until 12:00 Noon.

B)† Walk-in hunting only.

25)20)† Saline County Conservation Area (1)
A) Waterfowl hunting is allowed north of the township road only.

B) Walk-in hunting only.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

C)† Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

26)20)† Sanganolis Conservation Area (Walk-in Areas)

A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.

C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.

D) Upon the completion of hunting, hunters must report to the check station within one hour.

E) Fishing is prohibited in the impoundment areas during the waterfowl season.

F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.

G) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

H)† Walk-in area legal opening--until--12:00--noon--during--duck season: When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

I) No hunting permitted from the walk-in area subimpoundment levee.

27)30)† Sanghris Lake State Park

A) During Hunting hours are legal--opening--until--12:00--Noon except--during--the--firearm--deer--season--hunting--hours--shall--cease--at--11--a.m.--and--waterfowl--hunters--must--be--off--the--lake--by--11--a.m.--and--during--the--last--3--days--of--Canada--goose--season, hunting hours will close at statewide closing. No waterfowl hunting--the--last--day--of--firearm--deer--season--in--November--at--the--last--day--of--firearm--deer--season--in--December.

B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first-come, first-served basis. (During that portion of the goose season which follows the duck season, the west

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

E) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (J) Section--598-600+30+K) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

F) No more than 4 persons shall occupy a blind at one time.

G) ~~Waterfowl--hunting--shall-be-permitted-on-State-leased--lands and-waters-in-the-Sangchris-Lake-State-Park-area--except--in duly-posted-refuge-areas--developed--recreation-areas--a minimum-of-300-yards-from-all-high-lines-and-500--feet--from construction-or--industrial--sites.~~ The center arm of the lake shall be closed to all waterfowl hunting.

H) Blind sites shall be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation shall remove, move or close blind sites in order to carry out the operations of the overall management program.

I) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

J) Access to blind sites shall be by boat only and from designated boat launch sites. ~~A-corridor--located--north--of the-Middle-Peninsula--along--the--southern--edge~~ Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant ~~either-arm-of-the-Lake.~~

K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes. ~~Portable-blinds--on boat--blinds--must--have--been--completed--including--final brushing--before--entering-the-area--and-removed-at-the-end of-each-hunting-day--Cutting-of-natural-vegetation-for-any purpose-is-unlawful~~

L) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

M) No pits or blinds shall be built on State leased or Commonwealth Edison land.

N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

O) ~~Corridor--Water-travel-lane--during-waterfowl-season--only--for-boating-back-and-forth-to-blind-sites.~~

O)P Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.

P)Q Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

Q)R When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.

R)S During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt. Hunters must be at least 200 yards from the nearest hunting party. ~~Hunting hours--are--legal--opening--until-12-noon--except--during-the firearm-deer-season-when-hunting-hours-cease-at-10-a.m.--and waterfowl-hunters--must--be--out-of-the-area-by-11-a.m.--No December--firearm--deer--seasons--Regulations-in-subsection 598-600+30+Q) also pertain to this hunting area.~~

28)31 Shawnee National Forest, Upper and Lower Bluff Lakes

A Goose hunting is prohibited.

B Hunting hours--legal--opening--until-noon--

C No permanent blinds or other structures may be constructed on the site

29)32 Shawnee National Forest, LaRue Scatters

A Hunting must be by walking in or in boats without motors.

B Hunting hours--for--waterfowl--in--this-area--shall--close--at 12:00 Noon--local--time

C Permanent blinds shall not be constructed in this area and all equipment used in one taking of waterfowl must be removed at the end of each hunting day

30)33 Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

A All hunting must be by walking into the area.

B Hunting hours--for--waterfowl--on--this-area--shall--close--at 12:00 Noon--local--time

C Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

~~removed-at-the-end-of-each-hunting-day.~~

B)E Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

C)E No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

31)34 Stephen A. Forbes State Park

A) Batty-hunting-houses-are-legal-open-to-1:00-p.m.-

A)E On the main lake hunting is allowed from a boat blind only in the designated areas ~~and-must-be-within-100-yards-of-a~~ staked-location.

B)E Only walk-in hunting is allowed in the sub-impoundment. Hunting-must-occur-within-100-yards-of-a-staked-location.

C)E Hunting shall be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.

35) Sunspot Mine (Schuyler and Putten Counties)

A) No-permanent-blinds-may-be-built.

B) Temporary-blinds-only-200-yards-apart.

32)36 Ten Mile Creek Fish and Wildlife Area (1)

A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15 to the District Wildlife Manager, P.O. Box 3137, Otney, IL 62459.

B) All blinds must be of portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

C) No goose pits or permanent blinds shall be dug or built on State lands.

D) The distance between waterfowl hunting parties or blind sites shall be no less than 200 yards.

E)E Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

C)E Areas designated as Rest Areas refuge are closed to all access during the Canada Goose Season only. Rest Area Refuge designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area refuge, and the 250 acre tract at the Western edge of the Eads Mine unit.

D)E After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

33) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)

34)37 Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

B) This area shall be closed at 12 noon during the goose season.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

B)E During goose season waterfowl hunters Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

C)E During goose season Waterfowl hunting from staked sites only.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3) Section Numbers: Proposed Action:
2530.40 Amendment
2530.APPENDIX B Repealed
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/4-4 and 2-3)

5) A Complete Description of the Subjects and Issues Involved: The amendments provide the Agency with authority to change the time period referenced in the survey of hospitals from December 31 of the previous year to June 30 of the current year. The amendments also permit the Agency, upon annual recommendation of its technical advisory group, to change the list of inpatient and outpatient services to be surveyed.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain an incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments allow the Agency to disseminate hospital prices during the year in which they were reported. The amendments also assist the Agency in monitoring health care prices more effectively by allowing annual revisions to the list of services and procedures to be surveyed.

11) Time, Place and Manner in Which Interested Persons May Comment on This Rulemaking: Comments may be submitted in writing within 45 days after this issue of the Illinois Register to:

Britt Hagen
Deputy Executive Director
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, IL 62703-5118
(217) 786-7001.

12) Initial Regulatory Flexibility Analysis:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

- A) Type of Small Business affected: Hospitals
- B) Reporting, Bookkeeping or other procedures required for compliance: None additional
- C) Type of professional skills necessary for compliance: None additional

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
NOTICE OF PROPOSED AMENDMENT(S)

reported.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2530
HOSPITAL PRICE INFORMATION

- Section
2530.10 Price Information
2530.20 Posting Price Information
2530.30 Size and Place of Posting
2530.40 Reporting Information
APPENDIX A Current Established Charges For Services
APPENDIX B Report of Current Charges for Outpatient Services and Procedures (Repeated)

AUTHORITY: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/4-4 and 2-3).

SOURCE: Adopted at 9 Ill. Reg. 12764, effective August 5, 1985; amended at 12 Ill. Reg. 20089, effective November 21, 1988; amended at 15 Ill. Reg. 1821, effective January 29, 1991; emergency amendment at 17 Ill. Reg. 14172, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5343, effective March 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 2530.40 Reporting Information

Hospitals shall notify the Council annually of the prices posted pursuant to Section 2530.20 of this Part. Additionally, hospitals shall report the prices of those inpatient and outpatient out-patient services and procedures identified by the Council in Appendix-B as well as the number of available beds on June 30 of the current calendar year, December 31st of the previous year, the number of inpatient in-patient days provided in the previous calendar year, and the total inpatient in-patient revenues and the total outpatient out-patient revenues for the twelve months ending June 30 of the current calendar year previous-calendar-year. The information required to be submitted pursuant to this Part shall be submitted on a form provided (with the accompanying instructions) to the hospital by the Council. The information shall be submitted by August 31 of the current calendar year February--28th--of the--following--calendar--year. The Council shall designate a committee to annually review the inpatient and outpatient out-patient services and procedures reported by hospitals. The committee shall make annual recommendations prior to May 1 October--1 to the Council regarding the reporting of the twenty most relevant inpatient and outpatient out-patient services and procedures to be collected and disseminated in the current following year. The Council may designate additional inpatient and outpatient services and procedures, or may delete specific outpatient services and procedures, to be

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

Section 2530.APPENDIX B Report of Current Charges for Outpatient Services and Procedures (Repealed)

SERVICES-TO-BE-REPORTED

Mammography

CAP-Scan-(computerized-axial-tomography-of-head)

Upper-GI-Series

HIV-Antibody---EBISA

HIV-Antibody---Western-Biot

PROCEDURES-TO-BE-REPORTED

B-&-G-(Non-Obstetric)

Arthroscopy---knee

Cystoscopy

Transurethromy-w/o-adenoidectomy

Transurethromy-w/adenoidectomy

Capsular-extraction-of-lens
(cataract-removal)

Bone-Marrow

Excision-of-Bunion-and-Bunionette

OUT-PATIENT-SERVICES-AND-PROCEDURES-TO-BE-REPORTED

REPORT-SERVICES

Services---State---the-most-common-price-for-the-following-services-as-listed-on
the-hospital-charge-master-as-of-December-31-19---

1- Mammography:

State-the-most-common-price-for-a-mammography-test-(bilateral-view)

2- Computerized-axial-tomography-of-head:

State-the-most-common-price-for-a-CAP-scan-of-the-head:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

3- Upper-GI-Series

State-the-most-common-price-for-an-Upper-GI-Series:

4- HIV-(HIV-III)-Antibody-Detection-Immunoassay-(EBISA):

State-the-most-common-price-for-a-HIV-(HIV-III)-Antibody-Detection
Immunoassay-(EBISA)-Test:

5- HIV-(Western-Biot)-Confirmatory:

State-the-most-common-price-for-a-HIV-(Western-Biot)-Confirmatory-Test:

REPORT-PROCEDURES

Calculate-and-state-the-mean-charge-for-each-of-the-following-eight-(8)
out-patient-procedures-performed-as-listed-below-by-a-specific-EB-9-EM-or
EP-4-coder---the-charges-to-be-calculated-are-to-represent-the-charges-billed
on-the-hospital-UB-92-form-for-out-patient-procedures-performed-December-1-1991
of-the-calendar-year---the-following-definition-shall-be-used-in-calculating
each-coded-procedure-mean-charge:

Total-Aggregate-Charge-Per-Code-Procedure = Mean-Average

Total-number-of-such-coded-procedures-performed

Procedures-to-be-reported---EB-9-EM-means-procedures-as-described-in
the-International-Classification-of-Diseases-10th-Revision-Clinical
Modification-Annotated-Edition---Eight---Printed---October-1990
published-by-the-United-States-National-Center-for-Health-Statistics
and-does-not-include-any-later-amendments-or-editions---EP-4-means
procedures-as-described-in-Physicians'-Current-Procedural-Terminology
Fourth-Edition-EP-1990-November-1989-published-by-the-American
Medical-Association-and-does-not-include-any-later-amendments-or
editions.

1- EB-9-EM-69-09-or-EP-4-50130-B-&-G-(Non-obstetric):

EB-9-EM-80-26-with-or-without-00-36---EP-4-29070-Arthroscopy---Knee

3- EB-9-EM-57-32-57-33-Biopsy-or-EP-4-52000-52007-Cystoscopy

4- EB-9-EM-20-22-or-EP-4-42026-Tonsillectomy-without-Adenoidectomy

5- EB-9-EM-20-23-or-EP-4-42021-Tonsillectomy-with-Adenoidectomy

6- EB-9-EM-13-11-13-59-or-EP-4-66030-66040-Capsular-Extraction-of-Lens
(cataract-removal)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT(S)

7- IEB-9-EM-41-31-or-EPW-4-05095-or-05102-Bone-Marrow-(Biopsy/Aspiration)

8- IEB-9-EM-77-51-77-59-or-EPW-4-20290-20299-and-20110-Excision-of-Uterus-and-Buntonette

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Penalties
- 2) Code Citation: 77 Ill. Adm. Code 2540
- 3) Section Numbers: Proposed Action:
2540.10 Amendment
- 4) Statutory Authority: Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments change the rules to be consistent with recent changes to the Illinois Health Finance Reform Act. These changes enable the agency to apply criminal penalties to all intentional breaches of patient confidentiality by hospitals or other entities that are not authorized by the agency or statute.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain an incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments allow the Agency to provide additional authority to protect the identity of patients cared for at Illinois hospitals.
- 11) Time, Place and Manner in Which Interested Persons May Comment on This Rulemaking: Comments may be submitted in writing within 45 days after this issue of the Illinois Register to:

Britt Hagen
Deputy Executive Director
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, IL 62703-5118
(217) 786-7001

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Business affected: Hospitals

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None additional

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- C) Type of Professional Skills Necessary for Compliance: None additional
- 13) State reason(s) for this rulemaking if it was not included in either of the 2 most recent regulatory agendas: A regulatory agenda was completed.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
PART 2540
PENALTIES

Section
2540.10 Criminal Penalties
2540.20 Referral to State's Attorney
2540.30 Request for Injunction

AUTHORITY: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. V and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12778, effective August 5, 1985; amended at 12 Ill. Reg. 6114, effective March 21, 1988; emergency amendment at 16 Ill. Reg. 19223, effective November 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9713, effective June 10, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 2540.10 Criminal Penalties

Any individual hospital or other organization or entity willfully violating the provisions of the Illinois Health Finance Reform Act [20 ILCS 2215] or this Chapter promulgated by the Council, shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense. These penalties apply to all intentional breaches of patient confidentiality not authorized by statute or the Council. [20 ILCS 2215/5-2] ~~Ill.-Rev.-Stat.-1984-Supp.-r-ch--iii-1-27-par--6585-24~~

The State's Attorney of the county in which the violation occurred, or the Attorney General, shall, upon the request of the Council, bring an action for an injunction against any hospital violating the provisions of the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Clean Fuel Fleet Program

2) Code Citation: 35 Ill. Adm. Code 241

3) Section Numbers:

241.101 New
 241.102 New
 241.103 New
 241.104 New
 241.110 New
 241.111 New
 241.112 New
 241.113 New
 241.114 New
 241.115 New
 241.130 New
 241.131 New
 241.140 New
 241.141 New
 241.142 New
 241.Appendix A
 Table A New
 Table B New
 Table C New
 Table D New
 241.Appendix B
 Table A New
 Table B New
 Table C New
 Table D New
 Table E New
 Table F New

4) Statutory Authority: 415 ILCS 5/9, 9.1, and 28.5

5) A Complete Description of the Subjects and Issues Involved: This proposed Docket R95-12 was filed by the Illinois Environmental Protection Agency with the Board on March 30, 1995, pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act. As explained in more detail in the Board's opinion of April 6, 1995, available at the Clerk's office at the address noted below at #11, the proposed rules create the Clean Fuel Vehicle Program required under Section 182 of the Clean Air Act. The rules contain a determination of applicability, acquisition requirements, emission standards, credit provisions, registration, recordkeeping, and reporting requirements for fleet vehicles located in or primarily operated in the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, and the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County. In addition, the Clean Fuel Vehicle Program is a control measure that is part of the Agency's required submittal for its attainment demonstration plan which the Agency submitted to USEPA November 21, 1994. The Agency asserts that the Board is required to adopt all the measures listed.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes, see Section 241.104

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Policy Objectives: The proposed rule was brought pursuant to Section 28.5 of the Act. Section 28.5 solely applies to the adoption of rules proposed by the Agency and are required to be adopted by the State under the Clean Air Act. If the State does not adopt the United States Environmental Protection Agency is empowered to impose sanctions against the State for failure to adopt such rules.

11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking: Send written comments concerning R95-12 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
 Clerk of the Pollution Control Board
 100 West Randolph Street
 Suite 11-500
 Chicago, Illinois 60601

and

Rachel Doctors
 Assistant Counsel
 Illinois Environmental Protection Agency
 Bureau of Air
 P.O. Box 19276
 Springfield, IL 62794-9276

Questions concerning this rule should be directed to Rachel Doctors, at the address given above, or Charles Feinen at 100 West Randolph Street Suite 11-500, Chicago, Illinois 60601, phone (312) 814-3473.

12) Initial Regulatory Flexibility Analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

These proposed rules are part of the Agency's Clean Fuel Vehicle Program which is mandated by the Clean Air Act.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 10, 1995

B) Types of small businesses affected: Gasoline dispensing operations

C) Reporting, bookkeeping or other procedures required for compliance: Owners and operators are required to register and file annual reports with the Agency, as well as keep records of bulk fuel purchases, and title and lease information pertaining to fleet vehicles.

D) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agenda: It was included at 19 Ill. Reg. 2, at page 416 (January 13, 1995).

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: POLLUTION CONTROL BOARD

PART 241
CLEAN FUEL FLEET PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Other Definitions
241.101	Definitions
241.102	Abbreviations
241.103	Incorporations by Reference
241.104	

SUBPART B: GENERAL REQUIREMENTS

Section	Applicability
241.110	Exemptions
241.111	Registration of Fleet Owners or Operators
241.112	Control Requirements
241.113	Conversions
241.114	Operating Requirements
241.115	

SUBPART C: CREDITS

Section	Clean Fuel Fleet Credit Program
241.130	Credit Provisions
241.131	

SUBPART D: RECORDKEEPING AND REPORTING

Section	Reporting Requirements
241.140	Recordkeeping Requirements
241.141	Report of Credit Activities
241.142	

APPENDIX A Emission Standards for Clean Fuel Vehicles

TABLE A	Low Emission Vehicle (LEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
TABLE B	Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
TABLE C	NMOG Standards for Flexible- and Dual-Fueled Vehicles
TABLE D	Emission Standards for Model Year 1998 and Later Heavy-Duty Vehicles (g/bhp-hr)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

APPENDIX B

Credit Values

TABLE A Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required

TABLE B Credit Generation: Acquiring Light-Duty ULEV or ZEV Clean Fuel Vehicles

TABLE C Credits Needed in Lieu of Acquiring a Light-Duty LEV

TABLE D Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required

TABLE E Credit Generation: Acquiring Heavy-Duty ULEV or ZEV Clean Fuel Vehicles

TABLE F Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

AUTHORITY: Implementing Sections 9, 9.1, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27, and 28.5].

SOURCE: Adopted in R95-12 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 241.101 Other Definitions

Unless otherwise defined herein and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall have the meanings specified by 35 Ill. Adm. Code 201.102 and 35 Ill. Adm. Code Part 211. The definitions in Section 241.102 of this Part are applicable only to the provisions of this Part.

Section 241.102 Definitions

"Adjusted loaded vehicle weight (ALVW)" means the numerical average of the vehicle curb weight and the GVWR, as designated by the manufacturer.

"Capable of being centrally fueled" means a motor vehicle that can be refueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet owner or operator, or is under contract with the covered fleet owner or operator. Motor vehicles that are under normal conditions garaged at a personal residence are not considered to be capable of being centrally fueled and are exempt from the program unless they are, in fact, centrally fueled. The fact that one or more motor vehicles in a fleet are not capable of being centrally fueled does not exempt an entire fleet from the program. To determine whether a motor vehicle is capable of being centrally fueled 100 percent of the time, the owner or operator shall

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

perform the following calculation for each motor vehicle in the fleet for which an exemption under Section 241.111(a)(10) of this Subpart is being claimed, and, annually thereafter, if additional new covered fleet vehicles are acquired and an exemption is claimed under Section 241.111(a)(10) of this Subpart:

For each motor vehicle, sum the miles it is driven for a three month period beginning May 1, 1997, or the first day of the first full month in which the fleet may be covered.

Divide total miles for the given time period for each motor vehicle by its number of round trips. A round trip occurs each time a motor vehicle leaves its location and returns to its location.

If the average number of miles per round trip for the motor vehicle is less than 300 miles, then the motor vehicle is capable of being centrally fueled.

"Centrally fueled" means a motor vehicle that is fueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet owner or operator, or is under contract with the covered fleet owner or operator. Any motor vehicle that is under normal operations garaged at a personal residence at night but that is, in fact, centrally fueled 100 percent of the time shall be considered to be centrally fueled for the purpose of this definition. The fact that one or more motor vehicles in a fleet are not centrally fueled does not exempt an entire fleet from the program.

"Clean alternative fuel" means any fuel (including methanol; ethanol; or other alcohols containing 85 percent or more by volume of such alcohol with gasoline or other fuels; reformulated gasoline; diesel; natural gas; liquefied petroleum gas; and hydrogen) or power source (including electricity) used in a clean fuel vehicle that complies with the standards and requirements applicable to such motor vehicle under this Part when using such fuel or power source. In the case of any flexible fueled vehicle or dual fueled vehicle, the term "clean alternative fuel" means only a fuel with respect to which such motor vehicle was certified as a clean fuel vehicle meeting the emission standards applicable to such motor vehicle weight class as set forth in Appendix A and in 40 CFR Part 88, Subpart A, incorporated by reference at Section 241.104 of this Subpart, when operating on clean alternative fuel.

"Clean fuel vehicle" means a motor vehicle in a class or category of motor vehicles (e.g., LDVs, LDTs, or HDVs) which have been certified by USFPA to meet the clean fuel vehicle standards applicable under Subpart B of this Part.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

"Control" shall have the following meanings:

When it is used to join all entities under common management, means any one or a combination of the following:

Any person that has equity ownership of 51 percent or more in each of two or more firms;

Two or more firms have common officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies; or

One firm leases, operates, supervises or in 51 percent or greater part owns equipment and/or facilities used by another person or firm, or has equity ownership of 51 percent or more of another firm.

When it is used to refer to the management of motor vehicles, means a person has the authority to decide who can operate a particular motor vehicle, and the purposes for which the motor vehicle can be operated.

When it is used to refer to the management of people, means a person has the authority to direct the activities of another person or employee in a precise situation, such as at the workplace.

"Covered area" means the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry and Will and the Townships of Aux Sable and Goose Lake in Grundy County and the Township of Oswego in Kendall County.

"Covered fleet" means ten or more covered fleet vehicles which are owned or operated by a person. In determining the number of covered fleet vehicles owned or operated by a person for purposes of this Part, all motor vehicles owned or operated, leased or otherwise controlled by such person, and by any person who controls such person, and by any person under common control with such person shall be treated as owned by such person. Covered fleets include distributed and partially covered fleets.

"Covered fleet owner or operator" means a person who operates, owns, or controls a fleet of at least ten covered fleet vehicles that are located or primarily operated in the covered area (even if the covered fleet vehicles are garaged outside of the covered area).

"Covered fleet vehicle" means a motor vehicle which is:

In a vehicle class for which standards are applicable under this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Part; and

In a covered fleet which is centrally fueled or capable of being centrally fueled. Covered fleet vehicle shall not include motor vehicles exempt under Section 241.111 of this Part.

"Curb weight" means the empty weight of the motor vehicle, without load or passengers, as designated by the manufacturer.

"Date of vehicle acquisition" means the date on which legal or equitable title was transferred to the current owner or operator of the motor vehicle.

"Dealer" means any person whose primary business is in the sale or the distribution of motor vehicles to a purchaser or an ultimate purchaser.

"Dealer demonstration vehicle" means any motor vehicle that is operated by a dealer solely for the purpose of promoting motor vehicle sales, either on the sales lot or through other marketing or sales promotions, or for permitting potential purchasers to drive the motor vehicle for pre-purchase or pre-lease evaluation.

"Distributed fleet" means a fleet which is owned by a person or covered fleet owner or operator, but whose motor vehicles are operated in the covered area from different locations. A distributed fleet is considered to be a covered fleet if it consists of ten or more covered fleet vehicles which are located in or primarily operated in the covered area.

"Dual fueled vehicle" means any motor vehicle engineered and designed, or converted in accordance with Sections 241.113(e) and 241.114 of this Part, such that it may be operated on two different fuels, but not on a mixture of the fuels.

"Emergency vehicle" means any motor vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.

"Fleet" means 10 or more motor vehicles that are under the control of a person.

"Flexible fueled vehicle" means any motor vehicle engineered and designed, or converted in accordance with Sections 241.113(e) and 241.114 of this Part, such that it may be operated on any mixture of two or more different fuels.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs but less than or equal to 26,000 lbs. Emission standards and credit values for HDVs are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Inherently Low Emission Vehicle (ILEV)" means any LDV or LDT certified to the applicable ILEV evaporative emission standard found in 40 CFR Part 88, incorporated by reference at Section 241.104 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standard(s) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Law enforcement vehicle" means any motor vehicle which is primarily operated by a civilian or military police officer or sheriff, or by personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the federal government, or by state highway patrols, municipal law enforcement agencies, or other similar law enforcement agencies, and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.

"Light-duty truck (LDT)" means a motor vehicle whose GVWR is no more than 8,500 lbs. Emission standards and credit values for LDTs are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 6,000 lbs. Emission standards and credit values are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Loaded vehicle weight (LVW)" means the curb weight of the vehicle, as specified by the manufacturer, plus 300 lbs.

"Location" means any building, structure, facility, or installation which is owned or operated by a person, or is under the control of a person, or is located on one or more contiguous properties and contains or could contain a fueling pump(s) or system for the use of the vehicles owned or controlled by that person.

"Low Emission Vehicle (LEV)" means any LDV or LDT, or any HDV with an engine certified to the applicable federal low emission vehicle

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Subpart.

"Manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines; or importing such vehicles or engines for resale; or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, but shall not include any dealer with respect to new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines received by such dealer in commerce.

"Model year (MY)" means September 1 of any year through August 31 of the following year (e.g., September 1, 1997 through August 31, 1998 is MY 1998).

"Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"Motor vehicles held for lease or rental to the general public" means a motor vehicle that is owned or controlled primarily for the purpose of short-term rental or extended-term leasing (with or without maintenance), without a driver, pursuant to a contract.

"New covered fleet vehicle" means a motor vehicle that has not been previously controlled by the current purchaser, regardless of the model year, except as follows: motor vehicles that were manufactured before the start of the fleet program for such motor vehicle's weight class, motor vehicles transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations, motor vehicles transferred as part of an employee transfer, or motor vehicles transferred for seasonal requirements (i.e., less than 120 days) are not considered new. This definition of new covered fleet vehicle is distinct from the definition of new motor vehicle as it applies to manufacturer certification, including the certification of motor vehicles to the clean fuel standards.

"New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.

"Owned or operated, leased or otherwise controlled by such person" means either of the following:

Such person holds the beneficial title to such motor vehicle; or

Such person uses the motor vehicle for transportation purposes pursuant to a contract or similar arrangement, and the term of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

such contract or similar arrangement is for a period of 120 days or more, and such person has control over the motor vehicle.

"Partially-covered fleet" means a fleet of 10 or more motor vehicles that is located or primarily operated in the covered area and which contains both covered fleet vehicles and exempted fleet vehicles.

"Person" means an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

"Primarily operated in the covered area" means at least 75 percent of the miles driven annually by a nonexempt motor vehicle are in the covered area. To determine whether a motor vehicle is primarily operated in the covered area, the owner or operator of a covered fleet shall, for each motor vehicle that it is claiming is not primarily operated in the covered area, perform the following calculation:

Sum the number of miles the motor vehicle is driven annually in the covered area;

Sum the number of miles the motor vehicle is driven annually outside of the covered area; and

If the annual number of miles driven in the covered area is at least 75% of all miles driven annually by the motor vehicle, then the motor vehicle is considered to be primarily operated in the covered area.

"Ultimate purchaser" means with respect to a new motor vehicle, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"Ultra Low Emission Vehicle (ULEV)" means any LDV or LDT, or any HDV with an engine certified to the applicable federal ultra low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, Subpart A, incorporated by reference in Section 241.104 of this Subpart.

"Under normal conditions garaged at a personal residence" means a motor vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a centrally refueling, maintenance, and/or business location.

"Vehicle used for motor vehicle manufacturer product evaluations and tests" means a motor vehicle that is owned and operated by a motor vehicle manufacturer, or motor vehicle component manufacturer; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

owned or held by a university research department, independent testing laboratory, or other such evaluation facility, solely for the purpose of evaluating the performance of such motor vehicle for engineering, research and development, or quality control reasons.

"Zero Emission Vehicle (ZEV)" means any LDV or LDT, or any HDV certified to the applicable federal zero emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, Subpart A, incorporated by reference in Section 241.104 of this Subpart.

Section 241.103 Abbreviations

Agency Illinois Environmental Protection Agency

ALVW adjusted loaded vehicle weight

CO carbon monoxide

g/bhp-hr grams per brakehorsepower-hour

g/mi grams per mile

GVWR gross vehicle weight rating

HCHO formaldehyde

HDV heavy-duty vehicle

ILEV inherently low emission vehicle

kg kilograms

lbs pounds

LDT light-duty truck

LDV light-duty vehicle

LEV low emission vehicle

LVW loaded vehicle weight

MY model year

NMOG non-methane organic gas

NMHC non-methane hydrocarbon

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

NOX	oxides of nitrogen
PM	particulate matter
THC	total hydrocarbon
ULEV	ultra low emission vehicle
VIN	vehicle identification number
ZEV	zero emission vehicle

Section 241.104 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

- Clean Fuel Vehicles, 40 CFR Part 88, Subpart A and 59 Fed. Reg. 50058 (September 30, 1994); and
- Clean Fuel Fleet Program, 40 CFR Part 88, Subpart C (1993).

SUBPART B: GENERAL REQUIREMENTS

Section 241.110 Applicability

- The requirements of this Part shall apply to owners or operators of covered fleets. Covered fleets include distributed and partially covered fleets.
- Notwithstanding subsection (a) of this Section, an owner or operator of a covered fleet who owns, operates, or controls motor vehicles which are located or primarily operated in the covered area, but are regulated by the state of Indiana or Wisconsin as part of that state's Clean Fuel Fleet Program, as required by section 246 of the CAA, are only required to comply with the requirements of Section 241.115 of this Subpart.
- A fleet owner or operator who owns or leases fewer than ten covered fleet vehicles shall become a covered fleet owner or operator on the date that the owner or operator acquires legal or equitable title to a motor vehicle which causes such fleet owner's or operator's fleet to equal or exceed ten covered fleet vehicles.

Section 241.111 Exemptions

- The following motor vehicles are exempt from the requirements of Section 241.113 of this Subpart and are not considered to be covered fleet vehicles or included in the 10 motor vehicle count criterion of a covered fleet, whether or not such motor vehicles are part of a covered fleet which is subject to the control requirements of this Subpart:
 - The number of motor vehicles in the fleet; and
 - The VIN for each motor vehicle and, if applicable, whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

- Motor vehicles held for lease or rental to the general public;
 - Motor vehicles held for sale by dealers (including demonstration vehicles);
 - Motor vehicles used for manufacturer product evaluations or tests;
 - Law enforcement vehicles and other emergency vehicles;
 - Motor vehicles not registered to operate on public roadways;
 - Motor vehicles in excess of 26,000 lbs GVWR;
 - Motor vehicles determined by the Secretary of Defense of the United States to be exempt from the program for national security reasons;
 - Antique vehicles as defined in Section 1-102.1 of the Illinois Vehicle Code [625 ILCS 5/1-102.1];
 - Motorcycles, motor driven cycles, and motorized pedal cycles as defined in Sections 1-147, 1-148, and 1-148.2 of the Illinois Vehicle Code [625 ILCS 5/1-147, 1-148, and 1-148.2];
 - Motor vehicles that are not capable of being centrally fueled; and
 - Motor vehicles that are under normal conditions garaged at a personal residence, unless they are, in fact, centrally fueled.
- Notwithstanding subsection (a) of this Section, motor vehicles that are exempt from the requirements of Section 241.113 of this Subpart, but are part of a covered fleet, are subject to the reporting and recordkeeping requirements in Sections 241.140 and 241.141 of this Part.
 - Owners or operators of a fleet claiming that a motor vehicle is exempt under subsection (a)(10) of this Section must demonstrate that the motor vehicle is not capable of being centrally fueled and must comply with the recordkeeping requirements of Section 241.141(b) of this Part.

Section 241.112 Registration of Fleet Owners or Operators

- An owner or operator of a covered fleet must apply for a fleet registration number on or before September 1, 1997, or within 60 days after becoming a covered fleet owner or operator, by providing the following information to the Agency:
 - The owner's or operator's, and if applicable, the company's, name and address;
 - Signature of the owner or operator;
 - The location of records and reports required by this Part, including the contact person's name, address, and telephone number;
 - The number of motor vehicles in the fleet; and
 - The VIN for each motor vehicle and, if applicable, whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.
- Fleet owners or operators shall include their fleet registration

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

number on all reports or other correspondence submitted to the Agency for the Clean Fuel Fleet Program.

- c) Fleet owners or operators participating in the credit program, as set forth in Subpart C of this Part, must register with the Agency by providing the information required in subsection (a) of this Section.

Section 241.113 Control Requirements

- a) Any covered fleet owner or operator who acquires one or more new covered fleet vehicles in a model year must meet the emission standards in subsection (e) of this Section for the following percentages of new covered fleet vehicle acquisitions:

- 1) The portion of the acquisition of light-duty new covered fleet vehicles that must be light-duty clean fuel vehicles in any model year (MY) are as follows:

- A) In MY 1998, at least 30 percent;
B) In MY 1999, at least 50 percent; and
C) In MY 2000 and every MY thereafter, at least 70 percent.

- 2) The portion of the acquisition of heavy-duty new covered fleet vehicles that must be heavy-duty clean fuel vehicles shall be 50 percent of the total number of heavy-duty new covered fleet vehicles acquired in each model year, commencing in MY 1998 and thereafter.

- b) Any fraction of a new clean fuel vehicle acquisition requirement resulting from the percentage calculation in subsection (a)(1) or (a)(2) of this Section may be carried over and added to the new clean fuel vehicle acquisition requirement in the next model year for that type of clean fuel vehicle (i.e., LDV and LDT, or HDV) in which an acquisition of such a clean fuel vehicle is required pursuant to subsection (a) of this Section.

- c) An owner or operator's light-duty and heavy-duty clean fuel vehicle acquisition requirements in a given model year shall be the number of clean fuel vehicles calculated in subsections (a)(1) and (a)(2) of this Section plus any fraction of the same category and weight class (i.e., LDV/LDT or HDV) of motor vehicle acquisition requirements carried over from a preceding year.

- d) Notwithstanding subsections (b) and (c) of this Section, in any model year no owner or operator shall:

- 1) Fall short of the acquisition requirements for new LDV/LDT or HDV clean fuel vehicles by an amount equal to or greater than one motor vehicle unit;
2) Meet the acquisition requirements for clean fuel LDVs or LDTs through acquisition of clean fuel HDVs; or
3) Meet the acquisition requirements for clean fuel HDVs through the acquisition of clean fuel LDVs or LDTs.

- e) Motor vehicles acquired to meet the requirements of subsection (a) of this Section or Subpart C of this Part must be certified by USEPA to meet the federal emission certification standards of either LEV, ULEV,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

ZEV, or ILEV for a clean alternative fuel(s), as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.

- f) The owner or operator must meet the acquisition requirements of subsection (a) of this Section by acquiring clean fuel vehicles or redeeming credits equal to or greater than the number of vehicle units calculated in accordance with subsection (a) of this Section through one or more of the following:

- 1) Purchase or lease clean fuel vehicles certified by USEPA to meet any of the LEV, ULEV, ZEV, or ILEV standards referenced in subsection (e) of this Section;
2) Conversion of existing or new motor vehicles to meet a LEV, ULEV, ZEV or ILEV standard specified in subsection (e) of this Section, consistent with the requirements of Section 241.114 of this Subpart; or
3) Redeem credits generated or acquired consistent with the requirements of Subpart C of this Part.

Section 241.114 Conversions

- a) If a motor vehicle which was not certified by the manufacturer as a clean fuel vehicle, but is subsequently converted in accordance with 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part, and such converted motor vehicle meets the requirements of this Section and Section 241.113(e) of this Subpart, it is a clean fuel vehicle.

- b) The owner or operator of the converted clean fuel vehicle must obtain sufficient documentation to verify that the motor vehicle meets the converted vehicle requirements in 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part.

Section 241.115 Operating Requirements

- a) When a clean fuel vehicle acquired to meet the acquisition requirements of Section 241.113 of this Subpart or to generate credits under Subpart C of this Part is driven in the covered area, it must operate at all times on the clean alternative fuel(s) to which it is certified by USEPA, as set forth in Section 241.113(e) of this Subpart, and, where applicable, to which the owner or operator earned credits pursuant to Subpart C of this Part, when the motor vehicle is driven in the covered area.

- b) Notwithstanding subsection (a) of this Section, owners or operators of flexible-fueled and dual-fueled vehicles shall operate such motor vehicle on the clean alternative fuel(s) to which it is certified by USEPA, as set forth in Section 241.113(e) of this Subpart, and, where applicable, to which the owner or operator earned credits pursuant to Subpart C of this Part, when the motor vehicle is driven in the covered area.

- c) Any clean fuel vehicle driven in the covered area but regulated by another State shall operate at all times on the clean alternative

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

fuel(s) to which it was certified by USEPA.

SUBPART C: CREDITS

Section 241.130 Clean Fuel Fleet Credit Program

- a) Any owner or operator of ten or more fleet vehicles located or primarily operated in the covered area may participate in the clean fuel fleet credit program, provided that the owner or operator requests that the Agency establish a clean fuel fleet credit account and complies with the registration, operating, emission standards, and recordkeeping and reporting requirements of Sections 241.112, 241.113(e), 241.115, and 241.142 of this Part, respectively, and the requirements of this Subpart and, if the vehicle for which credit is being claimed is converted, complies with the requirements of Section 241.114 of this Part.

- b) Any owner or operator of a fleet may earn credits by:

- 1) Acquiring more clean fuel vehicles or fractions of clean fuel vehicles than required in any MY pursuant to Section 241.113 of this Part;
 - 2) Acquiring clean fuel vehicles that meet the ULEV or ZEV standard;
 - 3) Acquiring clean fuel vehicles which belong to a category of motor vehicles that are otherwise exempt under Section 241.111 of this Part; and
 - 4) Acquiring clean fuel vehicles before September 1, 1997, if the requirements of Section 241.112 of this Part have been met.
- c) Credits will be generated, redeemed, or traded after the owner or operator submits the information listed in Section 241.140(a) and (b) of this Part to the Agency for each clean fuel vehicle involved in the credit transaction, requests that a credit transaction be posted and states the number of credits added to and subtracted from the credit accounts, and the Agency has received and reviewed the submittal. Credit transactions must be authorized by the owner or operator whose account is being reduced. The Agency will review, and add to and subtract from credit accounts, according to the criteria of this Subpart and Appendix B of this Part.
- d) Credits shall be designated by the Agency at the time of issuance as either LDV/LDT credits or HDV credits. LDV/LDT credits may not be exchanged for HDV credits.
- e) Notwithstanding subsection (b) of this Section, if a clean fuel vehicle has ever been used to demonstrate compliance under Subpart B of this Part, or used to generate credits under this Subpart, such clean fuel vehicle may never be used by any other person for the purpose of generating credits under this Subpart.

Section 241.131 Credit Provisions

- a) The value of clean fuel vehicle credits shall be assigned in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

accordance with the values for the applicable class and weight category as set forth in Tables A, B, D, and E contained in Appendix B of this Part.

- b) The number of clean fuel vehicle credits that are needed to satisfy a new covered fleet vehicle acquisition obligation shall be determined in accordance with the values for the applicable class(s) and weight category(s), as set forth in Tables C and F, contained in Appendix B of this Part.

SUBPART D: RECORDKEEPING AND REPORTING

Section 241.140 Reporting Requirements

By November 1, 1998, and by November 1 every year thereafter, the owner or operator of a covered fleet must submit the following information about its activities during the prior model year to the Agency:

- a) For each motor vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:
 - 1) The make, model, and year of manufacture;
 - 2) The date of vehicle acquisition;
 - 3) The vehicle identification number (VIN);
 - 4) The GVWR, as specified by the manufacturer;
 - 5) If the motor vehicle is being used to earn credits, the LTV for LDTs whose GVWR is less than or equal to 6,000 lbs and the ALVW for LDTs whose GVWR is greater than 6,000 lbs;
 - 6) The license plate number and state registered in; and
 - 7) A statement of whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.
- b) For each clean fuel vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:
 - 1) The low emission standard(s) to which the motor vehicle is certified by USEPA, consistent with Section 241.113(e) of this Part;
 - 2) The clean alternative fuel(s) to which the motor vehicle is certified to operate by the manufacturer in order to meet the federal low emission standard(s) in Section 241.113(e) of this Part;
 - 3) The 8-character alpha numeric bar-coded vehicle emission configuration number; and
 - 4) For motor vehicles converted to clean fuel vehicles pursuant to Section 241.114 of this Part:
 - A) The date the motor vehicle was converted; and
 - B) The name and address of the person(s) or firm performing the conversion;
 - C) A statement that, to the best of the owner's or operator's knowledge, the motor vehicle was converted in accordance with the applicable requirements of 40 CFR Part 88,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

c) In addition to the information required in Section 241.104 of this Part, this Section, the owner or operator must state:

- 1) The number, to the nearest tenth, of clean fuel vehicles the owner or operator was required to acquire pursuant to Section 241.113 of this Part;
 - 2) How that obligation was met;
 - 3) If any of the clean fuel vehicles in the fleet used for compliance or credits in the last two model years are no longer part of the fleet, the VIN and the date the clean fuel vehicle was transferred or taken out of service; and
 - 4) If the fleet vehicles are centrally fueled at a location that is owned, operated or controlled by the covered fleet owner or operator, the amount of bulk fuel purchased by type of fuel.
- d) All reports to the Agency must include the owner or operator's fleet registration number, the name of the operation, and the signature of the owner or operator.

Section 241.141 Recordkeeping Requirements

- a) Owners or operators of covered fleets shall retain a copy of the title or lease for each motor vehicle in the fleet.
- b) For each motor vehicle that the owner or operator is claiming is exempt pursuant to Section 241.111(a)(10) of this Part, the owner or operator must retain records showing the roundtrip calculation exempting the motor vehicle under the definition of capable of being centrally fueled, as set forth in Section 241.102 of this Part.
- c) For each motor vehicle in a covered fleet located outside of the covered area that the owner or operator is claiming is not primarily operated in the covered area, the owner or operator must retain records demonstrating that the motor vehicle is not primarily operated in the covered area, as set forth in the definition for primarily operated in the covered area in Section 241.102 of this Part.
- d) For each converted motor vehicle, the covered fleet owner or operator must retain documentation that the motor vehicle meets the applicable certification requirements for converted motor vehicles in 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part.
- e) For fleets that are centrally fueled at a location that is owned, operated or controlled by the covered fleet owner or operator, the owner or operator must retain monthly records of the amount and type of bulk fuel purchased.
- f) Fleet owners and operators of non-covered fleets who elect to participate in the credit program, as set forth in Subpart C of this Part, must maintain the following records for each motor vehicle that they are using to generate credits:
 - 1) A copy of the title or lease; and
 - 2) For each converted motor vehicle, documentation that the motor

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

vehicle meets the applicable certification requirements for converted motor vehicles in 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part.

- g) The records required in this Section shall be retained by the owner or operator for at least three years and shall be made available immediately to the Agency upon request. Notwithstanding the above requirement, titles or leases to vehicles no longer under the control of the owner or operator need not be retained.

Section 241.142 Report on Credit Activities

- a) From time to time, the Agency may send a credit reconciliation report to credit account holders showing the balance of credits and any transaction since the last report. The fleet owner or operator shall have 180 days to review and dispute the report. Failure by the fleet owner or operator to notify the Agency of a discrepancy entitles the Agency to presume that the credit reconciliation report is correct.
- b) Fleet owners or operators may request from the Agency in writing credit reconciliation reports for their credit accounts. Such request shall include the name and address of the owner or operator and the fleet registration number.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Section 241.APPENDIX A Emission Standards for Clean Fuel Vehicles

TABLE A Low Emission Vehicle (LEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)

LIGHT-DUTY VEHICLE WEIGHT	POLLUTANT:				
	NMOG	CO	NOx	HCHO	PM(1)
ALL LDV, LDT					
<6000 GVWR					
<3750 LVW					
50,000 MILES	0.075	3.4	0.2	0.015	---
100,000 MILES	0.090	4.2	0.3	0.018	0.80
LDT <6000 GVWR					
>3750 LVW					
<5750 LVW					
50,000 MILES	0.100	4.4	0.4	0.018	---
100,000 MILES	0.130	5.5	0.5	0.023	0.08
LDT >6000 GVWR					
<3750 ALVW					
50,000 MILES	0.125	3.4	0.4(2)	0.015	---
100,000 MILES	0.180	5.0	0.6	0.022	0.10
LDT >6000 GVWR					
>3750 ALVW					
<5750 ALVW					
50,000 MILES	0.160	4.4	0.7(2)	0.018	---
120,000 MILES	0.230	6.4	1.0	0.027	0.10
LDT >6000 GVWR					
>5750 ALVW					
<8500 ALVW(3)					
50,000 MILES	0.195	5.0	1.1(2)	0.022	---
100,000 MILES	0.280	7.3	1.5	0.032	0.12

(1) Applicable to diesel vehicles only

(2) Standards not applicable to diesel vehicles

(3) Option of certifying heavy-duty engines in vehicles up to 10,000 pounds GVWR using the light-duty truck (LDT) standards

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TABLE B Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)

LIGHT-DUTY VEHICLE WEIGHT	POLLUTANT: (G/MI):				
	NMOG	CO	NOx	HCHO	PM(1)
ALL LDV, LDT					
≤6000 GVWR					
≤3750 LVW					
50,000 MILES	0.040	1.7	0.2	0.008	0.08
100,000 MILES	0.055	2.1	0.3	0.011	0.04
LDT ≤6000 GVWR					
>3750 LVW					
≤5750 LVW					
50,000 MILES	0.050	2.2	0.4	0.009	0.08
100,000 MILES	0.070	2.8	0.5	0.013	0.04
LDT >6000 GVWR					
≤3750 ALVW					
50,000 MILES	0.075	1.7	0.2	0.008	---
100,000 MILES	0.107	2.5	0.3(2)	0.012	0.04
LDT >6000 GVWR					
>3750 ALVW					
≤5750 ALVW					
50,000 MILES	0.100	2.2	0.4	0.009	---
120,000 MILES	0.143	3.2	0.5(2)	0.013	0.05
LDT >6000 GVWR					
>5750 ALVW					
≤8500 ALVW(3)					
50,000 MILES	0.117	2.5	0.6	0.011	---
100,000 MILES	0.167	3.7	0.8(2)	0.016	0.06

(1) Applicable to diesel vehicles only

(2) Standards not applicable to diesel vehicles

(3) Option of certifying heavy-duty engines in vehicles up to 10,000 pounds GVWR using the light-duty truck (LDT) standards

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TABLE C NMOG Standards for Flexible- and Dual-Fueled Vehicles

NMOG STANDARD(1)
(G/MI):

VEHICLE WEIGHT	50,000 MILE	100,000 MILE
ALL LDV, LDT,		
≤6000 GVWR		
≤3750 LVW	0.075/0.125	0.09/0.156
LDT ≤6000 GVWR		
>3750 LVW		
≤5750 LVW	0.100/0.160	0.130/0.200
LDT >6000 GVWR		
≤3750 ALVW	0.125/0.250	0.180/0.360
LDT >6000 GVWR		
>3750 ALVW		
≤5750 ALVW	0.160/0.320	0.230/0.460
LDT >6000 GVWR		
>5750 ALVW	0.195/0.390	0.280/0.560

(1) The standards are presented for flexible- and dual-fueled clean fuel vehicles when operating on clean alternative fuel and conventional fuel in the format "x/y" where x represents the NMOG standard when the vehicle is operated on a clean alternative fuel and y represents the NMOG standard when the vehicle is operated on a conventional fuel.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TABLE D Emission Standards for Model Year 1998 and Later Heavy-Duty Vehicles (g/bhp-hr)

VEHICLE TYPE	THC	NOX	NMHC + NOX	CO	PM(1)	OMHCE	HCHO
GASOLINE							
≤14,000 GVWR	1.1	4.0	---	14.4	---	1.1	---
GASOLINE							
>14,000 GVWR	1.9	4.0	---	37.1	---	1.9	---
DIESEL	1.3	4.0	---	15.5	0.10	1.3	---
LEV CERTIFIED FUEL	(2)	(2)	3.8	(2)	(2)	(2)	---
LEV/CERTIFIED CALIF. FUEL	(2)	(2)	3.5	(2)	(2)	(2)	---
ULEV	(2)	(2)	2.5	7.2	0.05	(2)	0.025
ILEV	(2)	(2)	2.5	14.4	0.10	(2)	0.025

(1) Standards for particulate matter (PM) apply only to diesel-fueled vehicles.

(2) HD CFVs must meet conventional vehicle standards for THC, NOx, CO, PM, and OMHCE

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Section 241. APPENDIX B Credit Values

Table A Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required

TYPE	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR >3750 LVW ≤5750 LVW	LDT >6000 GVWR >3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >5750 ALVW
LEV	1.00	1.26	0.71	0.91
ULEV	1.20	1.54	1.00	1.29
ZEV	1.43	1.83	1.43	1.83

1.11

1.47

2.23

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TABLE B Credit Generation: Acquiring Light-Duty ULEV or ZEV Clean Fuel Vehicles

TYPE	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR >3750 LVW ≤5750 LVW	LDT >6000 GVWR ≤3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >3750 ALVW ≤5750 ALVW
ULEV	0.20	0.29	0.29	0.34
ZEV	0.43	0.57	0.71	0.91

1.11

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TABLE C Credits Needed in Lieu of Acquiring a Light-Duty LEV

TYPE	LTV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR >3750 LVW ≤5750 LVW	LDT >6000 GVWR ≤3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >3750 ALVW >5750 ALVW
LEV	1.00	1.26	0.71	1.11

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TABLE D Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required

VEHICLE TYPE	HDV
LEV	1.00
ULEV	1.87
ZEV	3.53

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

TABLE E Credit Generation: Acquiring Heavy-Duty ULEV or ZEV Clean Fuel Vehicles

VEHICLE TYPE	HDV
ULEV	0.87
ZEV	2.53

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

TABLE F Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

VEHICLE TYPE	HDV
LEV	1.00

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act

2) Code Citation: 68 Ill. Adm. Code 1465

3) Section Numbers: Proposed Action:
1465.60 Amendment

4) Statutory Authority: Implementing Section 13 of the Illinois Speech-Language Pathology and Audiology Practice Act (225 ILCS 110/13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies the Endorsement Section by adding a subsection specifying that an application for licensure must include proof of successful completion of the examination set forth in Section 1465.50.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any entity providing the services of licensed speech-language pathologists or audiologists.

B) Reporting, bookkeeping or other procedures required for

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

compliance: This rulemaking changes no requirements. It merely points out an existing requirement that applicants licensed under the laws of another state or territory of the United States must include in their Illinois application proof of successful completion of a specified examination.

C) Types of professional skills necessary for compliance: Skills in speech-language pathology or audiology are required for licensure.

13) State reason(s) for this rulemaking if it was not included in either of the (2) most recent regulatory agendas: This rulemaking clears up an oversight remaining from an August 4, 1994, amendment to this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.9720 New Section
- 4) Statutory Authority: 35 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved: Under Section 201(a) of the Illinois Income Tax Act a tax measured by net income is imposed on a corporation for the privilege of earning or receiving income in this State. However, out-of-state ("foreign") corporations whose only activity within Illinois consists of the mere solicitation of orders for items of tangible personal property, which orders are accepted or rejected outside of Illinois and if accepted are filled from inventories maintained outside Illinois by shipment or delivery from those inventories to the customer within Illinois, are not subject to Illinois income tax because of the application of Public Law 86-272. This rulemaking sets forth the standards of the Department concerning what will constitute mere solicitation and thus be immune by virtue of Public Law 86-272 and what activities will exceed this mere solicitation standard and thus subject the corporation to apportionment of business income to Illinois pursuant to IITA Section 304.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
100.2470	Amendment	6/24/94, 18 Ill. Reg. 9377

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats
Senior Counsel - Income Tax

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62708
(217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business that does business in the State of Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires no new reporting, bookkeeping or other procedures for compliance.

C) Types of professional skills necessary for compliance: No new professional skills are required by this rulemaking.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section

100.3000 Terms Used in Article 3 (IITA Section 301)
 100.3010 Business and Nonbusiness Income (IITA Section 301)
 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section

100.3100 Compensation (IITA Section 302)
 100.3110 State (IITA Section 302)
 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200 Taxability in Other State (IITA Section 303)
 100.3210 Commercial Domicile (IITA Section 303)
 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
 100.3350 Property Factor (IITA Section 304)
 100.3360 Payroll Factor (IITA Section 304)
 100.3370 Sales Factor (IITA Section 304)
 100.3380 Special Rules (IITA Section 304)
 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
 100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)
 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
 100.5110 Composite Returns: Responsibilities of Authorized Agent
 100.5120 Composite Returns: Individual Liability
 100.5130 Composite Returns: Required forms and computation of Income
 100.5140 Composite Returns: Estimated Payments
 100.5150 Composite Returns: Tax, Penalties and Interest
 100.5160 Composite Returns: Credit for Resident Individuals
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Election to File a Combined Return
 100.5210 Procedure for Making the Election
 100.5220 Designated Agent for the Members
 100.5230 Combined Estimated Tax Payments
 100.5240 Claims for Credit of Overpayments
 100.5250 Liability for Combined Tax, Penalty and Interest
 100.5260 Combined Amended Returns
 100.5270 Computation of Combined Income and Tax
 100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000 Requirement of Withholding (IITA Section 701)
 100.7010 Compensation Paid in this State (IITA Section 701)
 100.7020 Transacting Business Within this State (IITA Section 701)
 100.7030 Payments to Residents (IITA Section 701)
 100.7040 Employer Registration (IITA Section 701)
 100.7050 Computation of Amount Withheld (IITA Section 701)
 100.7060 Additional Withholding (IITA Section 701)
 100.7070 Voluntary Withholding (IITA Section 701)
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
 100.7090 Reciprocal Agreement (IITA Section 701)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9720 Nexus

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

APPENDIX A
TABLE A
TABLE B

Business Income Of Persons Other Than Residents
Example of Unitary Business Apportionment
Example of Unitary Business Apportionment for Groups Which Include
Members Using Three-Factor and Single-Factor Formulas

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART BB: DEFINITIONS

Section 100-9720 Nexus

- a) Under ILTA Section 201(a), a tax measured by net income is imposed on a corporation for the privilege of earning or receiving income in this State. However, out-of-state ("foreign") corporations whose only activity within Illinois consists of the mere solicitation of orders for items of tangible personal property, which orders are accepted or rejected

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

outside of Illinois and if accepted are filled from inventories maintained outside Illinois by shipment or delivery from those inventories to the customer within Illinois, are not subject to Illinois income tax because of the application of Public Law 86-272. In 1959, Congress enacted Public Law 86-272 (15 U.S.C. 381-384) which prohibited market states and their political subdivisions from imposing a net income tax on out-of-state businesses whose in-state activities were limited. Public Law 86-272 provides in pertinent part:

1) No State . . . shall have the power to impose . . . a net income tax on the income derived within such State by any person from interstate commerce if the only business activities within such State by or on behalf of such person during such taxable year are either, or both of the following:

A) the solicitation of orders by such person, or his representative, in such State for sales of tangible personal property, which orders are sent outside the State for approval or rejection, and, if approved, are filled by shipment or delivery from a point outside the State; and

B) the solicitation of orders by such person, or his representative, in such State in the name of or for the benefit of a prospective customer of such person, if orders by such customer to such person to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1) (subsection (A) above).

2) The provisions of subsection (1) shall not apply to the imposition of a net income tax by any State or political subdivision thereof, with respect to:

A) Any corporation which is incorporated under the laws of such State; or

B) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

3) For the purposes of subsection (a) (subsection (1) above), a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales in such State, or the solicitation of orders for sales in such State, of tangible personal property on behalf of such person by one or more independent contractors whose activities on behalf of such person in such State consist solely of making sales, or soliciting orders for sales, of tangible personal property.

4) For purposes of this Section:

A) The term 'independent contractor' means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of tangible personal property for more than one principal and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

who holds himself out as such in the regular course of his business activities; and

B) the term 'representative' does not include an independent contractor.

C) If a corporation exceeds the "mere solicitation" standard referenced in subsection (a) above, it loses its immunity and will be liable for income and the additional personal property replacement income tax for the entire taxable year. The business income would be apportioned to Illinois under ILTA Section 304. Whether a corporation's conduct exceeds the "mere solicitation" standard depends upon the facts in each particular case.

D) Nature of Property Being Sold

1) Only the solicitation to sell tangible personal property is afforded immunity under P.L. 86-272. Therefore the leasing, renting, licensing or other disposition of tangible personal property, or transactions involving intangibles, such as franchises, patents, copyrights, trade marks, service marks and the like, or any other type of property are not protected activities under P.L. 86-272.

2) The sale or delivery and the solicitation for the sale or delivery of any type of service that is not either ancillary to solicitation, or otherwise set forth as a protected activity under subsection (h) below, is also not protected under Public Law 86-272 or this Section.

E) Solicitation of Orders. For the in-state activity to be a protected activity under P.L. 86-272, it must be limited solely to solicitation (except for de minimus activities described in subsection (f) below and those activities conducted by independent contractors described in subsection (j) below). Solicitation means:

1) speech or conduct that explicitly or implicitly invites an order, and

2) activities that neither explicitly nor implicitly invite an order, but are entirely ancillary to requests for an order.

A) Ancillary activities are those activities that serve no independent business function for the seller apart from their connection to the solicitation of orders.

B) Activities that a seller would engage in apart from soliciting orders shall not be considered as ancillary to the solicitation of orders.

C) The mere assignment of activities to sales personnel does not, merely by such assignment, make such activities ancillary to solicitation of orders.

D) Additionally, activities that seek to promote sales are not ancillary, because P.L. 86-272 does not protect activity that facilitates sales, it only protects ancillary activities that facilitate the request for an order.

3) The conducting of activities not falling within the foregoing definition of solicitation will cause the company to lose its

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

protection from the Illinois income tax afforded by P.L. 86-272, unless the disqualifying activities, taken together, are either de minimus or are otherwise permitted under this Section.

F) De minimus activities are those that, when taken together, establish only a trivial additional connection with this State. An activity regularly conducted within this State on a regular or systematic basis or pursuant to a company policy (whether such policy is in writing or not) shall normally not be considered trivial. Whether or not an activity consists of a trivial or non-trivial additional connection with this State is to be measured on both a qualitative and quantitative basis. If such activity either qualitatively or quantitatively creates a non-trivial connection with this State, then such activity exceeds the protection of P.L. 86-272. Establishing that the disqualifying activities only account for a relatively small part of the business conducted within this State is not determinative of whether a de minimus level of activity exists. The relative economic importance of the disqualifying in-state activities, as compared to the protected activities, does not determine whether the conduct of the disqualifying activities within this State is inconsistent with the limited protection afforded by P.L. 86-272.

G) Specific Listing of Unprotected and Protected Activities

1) Subsections (h) and (i) of this Section set forth the in-state activities that are presently treated by this State as "unprotected activities" or "protected activities".

2) This State has included on the list of "protected activities" those in-state activities that are either required protection under P.L. 86-272; or, if not so required, that this State in its discretion, has permitted protection. The inclusion of an activity on the listing of "protected activities" is not a statement or admission by this State that the activity is required to be afforded any protection under P.L. 86-272.

H) Unprotected Activities. The following in-state activities (assuming they are not of a de minimus level) are not considered either solicitation of orders or ancillary thereto or otherwise protected under P.L. 86-272 and will cause otherwise protected sales to lose their protection under the Public Law:

- 1) Making repairs or providing maintenance or service to the property sold or to be sold.
- 2) Collecting current or delinquent accounts, whether directly or by third parties, through assignment or otherwise.
- 3) Investigating credit worthiness.
- 4) Installation or supervision of installation at or after shipment or delivery.
- 5) Conducting training courses, seminars or lectures for personnel other than personnel involved only in solicitation.
- 6) Providing any kind of technical assistance or services.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

including, but not limited to engineering assistance or design service, when one of the purposes thereof is other than the facilitation of the solicitation of orders.

7) Investigating, handling, or otherwise assisting in resolving customer complaints, other than mediating direct customer complaints when the sole purpose of such mediation is to ingratiate the sales personnel with the customer.

8) Approving or accepting orders.

9) Repossessing property.

10) Securing deposits on sales.

11) Picking up or replacing damaged or returned property.

12) Hiring, training, or supervising personnel, other than personnel involved only in solicitation.

13) Using agency stock checks or any other instrument or process by which sales are made within this State by sales personnel.

14) Maintaining a sample or display room in excess of two weeks (14 days) at any one location within the State during the tax year.

15) Carrying samples for sale, exchange or distribution in any manner for consideration or other value.

16) Owning, leasing, or maintaining any of the following facilities or property in-state:

A) Repair shop.

B) Parts department.

C) Any kind of office other than an in-home office as described as permitted under subsections (h)(18) and (i)(2) below.

D) Warehouse.

E) Meeting place for directors, officers, or employees.

F) Stock of goods other than samples for sales personnel or that are used entirely ancillary to solicitation.

G) Telephone answering service that is publicly attributed to the company or to employees or agent(s) of the company in their representative status.

H) Mobile stores, i.e., vehicles with drivers who are sales personnel making sales from the vehicles.

I) Real property or fixtures to real property of any kind.

17) Consigning stock of goods or other tangible personal property to any person, including an independent contractor, for sale.

18) Office or place of business:

A) Maintaining, by an employee or other representative, an office or place of business of any kind (other than an in-home office located within the residence of the employee or other representative that is not publicly attributed to the company or to the employee or other representative of the company in a representative capacity, so long as the use of such office is limited to:

i) soliciting and receiving orders from customers;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

ii) transmitting such orders outside the State for acceptance or rejection by the company; or

iii) other such activities that are protected under Public Law 86-272 or this Section).

B) A telephone listing or other public listing within the State for the company or for an employee or other representative of the company in such capacity or other indication through advertising or business literature that the company or its employee or representative can be contacted at a specific address within the State shall normally be determined as the company maintaining within this State an office or place of business attributable to the company or to its employee or representative in a representative capacity. However, the normal distribution and use of business cards and stationary identifying the employee's or representative's name, address, telephone and fax numbers and affiliation with the company shall not, by itself, be considered as advertising or otherwise publicly attributing an office to the company or to its employee or other representative.

C) The maintenance of any office or other place of business in this State that does not strictly qualify as an "in-home" office as described above shall, by itself, cause the loss of protection under this Section.

D) For the purpose of this subsection (h)(18) it is not relevant whether the company pays directly, indirectly, or not at all for the cost of maintaining such in-home office.

19) Entering into franchising or licensing agreements; selling or otherwise disposing of franchises and licenses; or selling or otherwise transferring tangible personal property pursuant to such franchise or license by the franchisor or licensor to its franchisee or licensee within the State.

20) Conducting any activity not listed in subsection (i) below which is not entirely ancillary to requests for orders, even if such activity helps to increase purchases.

i) Protected Activities. The following in-state activities will not cause the loss of immunity for otherwise protected sales:

1) Soliciting orders for sales by any type of advertising.

2) Soliciting orders by an in-state resident employee or representative of the company, so long as such person does not maintain or use any office or other place of business in the State other than an "in-home" office as described in subsection (h)(18) above.

3) Carrying samples and promotional materials only for display or for distribution without charge or other consideration.

4) Furnishing and setting up display racks and advising customers on the display of the company's products without

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- charge or other consideration.
- 5) Providing automobiles to sales personnel for their use in conducting protected activities.
 - 6) Passing orders, inquiries and complaints on to the home office.
 - 7) Missionary sales activities; i.e., the solicitation of indirect customers for the company's goods. For example, a manufacturer's solicitation of retailers to buy the manufacturer's goods from the manufacturer's wholesale customers would be protected if such solicitation activities are otherwise immune.
 - 8) Coordinating shipment or delivery without payment or other consideration and providing information relating thereto either prior or subsequent to the placement of an order.
 - 9) Checking of customers' inventories without a charge therefor (for re-order, but not for other purposes such as quality control).
 - 10) Maintaining a sample or display room for two weeks (14 days) or less at any one location within the State during the tax year.
 - 11) Recruiting, training or evaluating sales personnel, including occasionally using homes, hotels or similar places for meetings with sales personnel.
 - 12) Mediating direct customer complaints when the purpose is solely for ingratiating the sales personnel with the customer and facilitating requests for orders.
 - 13) Shipping or delivering goods to a purchaser in this State from a point outside this State by any means of transportation, including private carrier, irrespective of whether a delivery fee is charged.
 - 14) Owning, leasing, using or maintaining personal property for use in the employee's or representative's "in-home" office or automobile that is solely limited to the conducting of protected activities. Therefore, the use of personal property such as a cellular telephone, facsimile machine, duplicating equipment, personal computer and computer software that is limited to the carrying on of protected solicitation and activity entirely ancillary to such solicitation or permitted by subsection (h)(18) above shall not, by itself, remove the protection under this Section.

1) Independent Contractors. P.L. 86-272 provides immunity to certain in-state activities if conducted by an independent contractor that would not be afforded if performed by the company or its employees or other representatives.

- 1) Independent contractors may engage in the following limited activities in the State without the company's loss of immunity:

A) soliciting sales.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- B) making sales.
- C) maintaining an office.
- 2) Sales representatives who represent a single principal are not considered to be independent contractors and are subject to the same limitations as those provided under P.L. 86-272 and this Section.
- 3) Maintenance of a stock of goods in the State by the independent contractor under consignment or any other type of arrangement with the company except for purposes of display and solicitation, shall remove the protection.
- k) Application of Destination State Law in Case of Conflict
 - 1) When it appears that Illinois and one or more other states that are signatories to the "Statement of Information concerning practices of the Multistate Tax Commission and Signatory States under Public Law 86-272" have included or will include the same receipts from a sale in their respective sales factor numerators, at the written request of the company, the states will in good faith confer with one another to determine which state should be assigned the receipts. Such conference shall identify what law, regulation or written guideline, if any, has been adopted in the state of destination with respect to the issue. The state of destination shall be that location at which the purchaser or its designee actually receives the property, regardless of F.O.B. point or other conditions of sale.
 - 2) In determining which state is to receive the assignment of the receipts at issue, preference shall be given to any clearly applicable law, regulation or written guideline that has been adopted in the state of destination. However, except in the case of the definition of what constitutes "tangible personal property", this State is not required by this Section to follow any other state's law, regulation or written guideline should this State determine that to do so:
 - A) would conflict with its own laws, regulations, or written guidelines, and
 - B) would not clearly reflect the income-producing activity of the company within this State.
 - 3) Notwithstanding any provision set forth in this Section to the contrary, as between this State and any other signatory state, this State agrees to apply the definition of "tangible personal property" that exists in the state of destination to determine the application of P.L. 86-272 and issues of throwback if any. Should the state of destination not have any applicable definition of such term so that it could be reasonably determined whether the property at issue constitutes "tangible personal property", then each signatory state may treat such property in any manner that would clearly reflect the income-producing activity of the company within

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

said state.

1) Application of this Section to Foreign Commerce

1) Public Law 86-272 specifically applies, by its terms, to "interstate commerce" and does not directly apply to foreign commerce. The states are free, however, to apply the same standards set forth in the Public Law to business activities in foreign commerce to ensure that foreign and interstate commerce are treated on the same basis. Such an application also avoids the necessity of expensive and difficult efforts in the identification and application of the varied jurisdictional laws and rules existing in foreign countries.

2) This State will apply the provisions of Public Law 86-272 and of this Section to business activities conducted in foreign commerce. Therefore, whether business activities are conducted by a foreign or domestic company selling tangible personal property into a country outside of the United States from a point within this State or by either company selling such property into this State from a point outside of the United States, the principles under this Section apply equally to determine whether the sales transactions are protected and the company immune from taxation in either this State or in the foreign country as the case might be, and whether, if applicable, this State will apply its throwback provisions.

m) Application to Corporation Incorporated in this State or to a Person Resident or Domiciled in this State. The protection afforded by P.L. 86-272 and the provisions of this statement do not apply to any corporation incorporated within this State or to any person who is a resident of or domiciled in this State.

n) Registration or Qualification to do Business. A company that registers or otherwise formally qualifies to do business within this State does not, by that fact alone, lose its protection under P.L. 86-272, where, separate from or ancillary to such registration or qualification, the company receives and seeks to use or protect any additional benefit or protection from this State through activity not otherwise protected under P.L. 86-272, or this Section, such protection shall not be removed.

o) Loss of Protection for Conducting Unprotected Activity During Part of a Tax Year. The protection afforded under P.L. 86-272 and the provisions of this Section shall be determined on a tax year by tax year basis. Therefore, if at any time during a tax year the company conducts activities that are not protected under P.L. 86-272 or this Section, no sales in this State or income earned by the company attributed to this State during any part of said tax year shall be protected from taxation under P.L. 86-272 or this Section.

p) Application of the Joyce Rule. In determining whether the activities of any company have been conducted in this State beyond the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

protection of P.L. 86-272 or subsection (h) above, the principle established in Appeal of Joyce Inc., Cal. St. Bd. of Equal. (11/23/66), commonly known as the "Joyce rule", shall apply. Therefore, only those in-state activities that are conducted by or on behalf of the company shall be considered for this purpose. Activities that are conducted by any other person or business entity, whether or not the person or business entity is affiliated with the company, shall not be considered attributable to the company, unless such other person or business entity was acting in a representative capacity on behalf of the company.

q) P.A. 88-361 amended the Illinois Income Tax Act to provide that a person not otherwise subject to the tax imposed under the IITA shall not become subject to the tax imposed by this Act (the IITA) by reason of:

- 1) that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing, or
- 2) activities of the person's employees or agents located solely at the premises of a printer and related to quality control, distribution, or printing services performed by a printer in the State with which the person has contracted for printing.

(IITA Section 205(f))

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Driving and Parking
2) Code Citation: 92 Ill. Adm. Code 397
3) Section Numbers: Proposed Action:

397.1020

Amend

- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B).

- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 397 as of October 1, 1994 and to include the federal rulemaking adopted at 59 FR 63921, December 12, 1994.

The Department's regulations will incorporate changes made in the following Docket:

(59 FR 63921, December 12, 1994) amends the regulations to provide nomenclature changes that will revise and update certain regulatory references and terms.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes
These conform to Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance:
No new or additional procedures are necessary for compliance with this rulemaking.

C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the *Illinois Register*.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 397
 DRIVING AND PARKING

Section

397.1000 General
 397.1010 Application
 397.1020 Incorporation By Reference of 49 CFR 397

AUTHORITY: Implementing the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397.Subchapter c at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 397.1020 Incorporation By Reference of 49 CFR 397

- a) The Department incorporates "Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1994, subject only to the exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.
- b) Section 397.1 is deleted and not incorporated.
- c) Section 397.2 is deleted and not incorporated.
- d) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- e) The following addition to 49 CFR 397 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Driving of Motor Vehicles2) Code Citation: 92 Ill. Adm. Code 3923) Section Numbers:
392.2000
Proposed Action:
Amend4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 392 as of October 1, 1994, and to include the federal rulemakings adopted at 59 FR 60319, November 23, 1994; 59 FR 63921, December 12, 1994.

A number of final rules which affected this Part have been published by the Federal Highway Administration (FHWA) since the Department's last rulemaking. These rulemakings are contained in 49 CFR 392, October 1, 1994 which is incorporated by reference in Section 392.2000(a).

Dockets MC-116, MC-92-19, MC-92-23 (59 FR 7484, February 15, 1994) adds regulations on controlled substances and alcohol use testing to the regulations. Makes conforming amendments to other parts of the regulations.

Docket MC-93-19 (59 FR 34708, July 6, 1994) amends the requirements for warning devices for stopped commercial motor vehicles (CMVs) to allow the use of fuses and liquid-burning flares in lieu of bidirectional reflective triangles, unless the CMV is transporting certain hazardous materials or is powered by compressed gas.

The Department's regulations will also incorporate changes made in the following Dockets:

Docket MC-93-32 (59 FR 60319, November 23, 1994) removes regulations and appendices from the Federal Motor Carrier Safety Regulations which are obsolete, redundant or more appropriately regulated by State and local authorities. [59 FR 63921, December 12, 1994] amends the regulations to provide nomenclature changes that will revise and update certain regulatory references and terms.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

These conform to Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.
C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the Illinois Register.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392
 DRIVING OF MOTOR VEHICLES

Section
 392.1000 General
 392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1994-1999, as amended at 59 FR 60319, November 23, 1994; and as amended at 59 FR 63921, December 12, 1994-50-PR-673767-December 21-1999. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Numbers: Proposed Action:
 395.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 395 as of October 1, 1994 and to include the federal rulemaking adopted at 59 FR 60319, November 23, 1994. A number of final rules which affected this Part have been published by the Federal Highway Administration (FHWA) since the Department's last rulemaking. These rulemakings are contained in 49 CFR 395, October 1, 1994 which is incorporated by reference in Section 395.2000(a).
- Dockets MC-116, MC-92-19, and MC-92-23 (59 FR 7484, February 15, 1994) adds regulations on controlled substance and alcohol use testing to the regulations. Makes conforming amendments to other parts of the regulations.
- Docket MC-88-15 (59 FR 8748, February 23, 1994) amends the regulations to make private motor carriers of passengers involved in transportation subject to the regulations with certain exceptions.
- The Department's regulations will also incorporate changes made in the following Docket:
- Docket MC-93-32 (59 FR 60319, November 23, 1994) removes regulations and appendices from the Federal Motor Carrier Safety Regulations which are obsolete, redundant or more appropriately regulated by State and local authorities.
- The Department is also removing references to the Illinois Revised Statutes and a Public Act at Section 395.2000(c)(2) which will be replaced by references to the Illinois Compiled Statutes.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

These conform to Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.

C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Illinois Register.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
- iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of motor vehicles.

- 4) Part 395 shall not apply to agricultural movements between the period of February 15 through June 30 each year, and all farm to market agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location that are engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Inspection, Repair and Maintenance

- 2) Code Citation: 92 Ill. Adm. Code 396

- 3) Section Numbers: Proposed Action:

396.2000 Amend

- 4) Statutory Authority: Implementing, and authorized by Section 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 396 as of October 1, 1994 and to include the federal rulemaking adopted at 59 FR 60319, November 23, 1994.

A final rule which affected this Part was published by the Federal Highway Administration, (FHWA) under the Department's last rulemaking. The following rulemaking has been published at 49 CFR 396, October 1, 1994 which is incorporated by reference in Section 396.2000(a).

Docket MC-98-32 (59 FR 3718, February 23, 1994) amends the regulations to make private motor carriers of passengers involved in transportation subject to the regulations with certain exceptions.

The Department's regulations will also incorporate changes made in the following docket:

Docket MC-93-32 (59 FR 60319, November 23, 1994) removes regulations and appendices from the Federal Motor Carrier Safety Regulations which are obsolete, redundant or more appropriately regulated by State and local authorities.

The Department is also removing references to the Illinois Revised Statutes which will be replaced by references to the Illinois Compiled Statutes.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes. These conform to Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.
- C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the *Illinois Register*.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 396

INSPECTION, REPAIR AND MAINTENANCE

Section
396.1000 General
396.2000 Incorporation by Reference of 49 CFR 396
396.2010 Inspection of Vehicles in Operation

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 396.2000 Incorporation by Reference of 49 CFR 396

- a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1994 1992, as amended at 59 FR 60319, November 23, 1994, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.
- 1) Section 396.9 is deleted and not incorporated.
 - 2) Section 396.11 shall not apply to the operator of a commercial vehicle used in intrastate commerce. (Section 18b-105(c)(3) of the Illinois Motor Carrier Safety Law (the Law) ~~18b-105(c)(3)~~ ~~1991-CH-95-1-2-PA-10B-105(c)(3)~~ [625 ILCS 5/18b-105(c)(3)]
 - 3) Paragraphs (b) and (c) of section 396.13 shall not apply to the operator of a commercial vehicle used in intrastate commerce. (Section 18b-105(c)(4) of the Law)
 - 4) Any commercial motor vehicle used in intrastate commerce that is inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) ~~18b-105(c)(3)~~ ~~1991-CH-95-1-2-PA-10B-105(c)(3)~~ [625 ILCS 5/13-109] has complied with the periodic inspection procedures required by 49 CFR section 396.17.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Motor Carrier Safety Regulations: General

2) Code Citation: 92 Ill. Adm. Code 390

3) Section Numbers: Proposed Action:

390.1000 Amend

390.1010 Amend

390.1020 Amend

390.1030 Amend

390.2000 Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 390, Subpart B as of October 1, 1994, to incorporate by reference 49 CFR 390, Subpart C, and to update all other references to 49 CFR as of October 1, 1994. This rulemaking also removes references to the Illinois Revised Statutes which will be replaced by the Illinois Compiled Statutes.

A number of final rules which affected Subparts A and B of this Part have been published by the Federal Highway Administration since the Departments last rulemaking. The following dockets impact Subpart A of this Part:

Docket MC-90-6 (58 FR 59194, November 8, 1993): Replaces the term "health care professional" with "medical examiner." The definition of "health care professional" will be removed from Section 390.1020 and the term "medical examiner" will be added.

Docket MC-88-15 (59 FR 8748, February 23, 1994): Amends the Federal Motor Carrier Safety Regulations (FMCSR) to make private motor carriers of passengers involved in interstate transportation subject to the regulations with certain exceptions. Definitions of "private motor carrier of passengers" and "private motor carrier of property" will be removed from Section 390.1020 pursuant to this federal rule. Definitions of "private motor carrier," "private motor carrier of passengers (business)," and "private motor carrier of passengers (nonbusiness)," are added in Section 390.1020 to apply this federal rule to intrastate transportation. Section 390.1010(e)(6) is deleted to reflect this federal rule's impact on the Illinois Motor Carrier Safety Regulations. Private transportation of passengers is no longer completely exempt from the regulations.

Docket MC-92-13 (59 FR 26022, May 18, 1994): Amends the FMCSR by making a conviction of any violation of an out-of-service order by a driver of a commercial motor vehicle a disqualifying offense. Such a conviction will

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

result in suspension, revocation, or cancellation of the driver's Commercial Driver's License or disqualification by the FHWA for a period of time from 90 days to five years. "Out-of-Service Order" is defined in Section 390.1020 pursuant to this federal rule.

Docket MC-93-32 (59 FR 60319, November 23, 1994): Removes regulations and appendices from the Federal Motor Carrier Safety Regulations which are obsolete, redundant or more appropriately regulated by State and local authorities.

The following federal rulemaking initiated the Department's incorporation by reference of 49 CFR 390, Subpart C and impacts Subpart B of this Part.

Docket MC-93-17 (59 FR 67544, December 29, 1994): Establishes requirements for persons who tender an intermodal container or trailer having a projected gross cargo weight of more than 10,000 pounds to provide certification to the initial carrier of its projected gross cargo weight and a reasonable description of its contents.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes
These conform to Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.

C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the Illinois Register.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 390

MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section
390.1000 Purpose
390.1010 General Applicability
390.1020 Definitions
390.1030 Rules of Construction

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section
390.2000 Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1000 Purpose

This Part establishes general applicability, definitions, general requirements and information as they pertain to persons subject to the Illinois Motor Carrier Safety Law (the Law) (1117--Rev--Stat--1993--ch--95--127--para--18b-100 through--111 [625 ILCS 5/Ch. 18B]. The Motor Carrier Safety Regulations (MCSR) consists of 92 Ill. Adm. Code 396, 390, 391, 392, 393, 395, 396, and 397.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1010 General Applicability

- a) All Parts of the MCSR except for "Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce. (Section 18b-106 of the Law)

- b) The provisions in subpart C of 49 CFR 390 (incorporated by reference in Section 390.2000 of this Part) are applicable to persons tendering loaded containers or trailers, to carriers used to transport such loaded containers or trailers, and to persons who coerce or attempt to coerce a motor carrier to transport a loaded container or trailer in violation of that subpart.

- cb) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:

- 1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and
- 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

- de) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation of hazardous materials cited in 92 Ill. Adm. Code 171.5, agricultural exception, when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified.

- ed) Nothing in the MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

- fe) The MCSR requires knowledge of and compliance with the following:

- 1) Every employer shall be knowledgeable of and comply with all requirements contained in the MCSR which are applicable to that motor carrier's operations.

- 2) Every driver and employee shall comply with all applicable requirements contained in the MCSR and shall be instructed accordingly.

- 3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the MCSR.

- gf) Except for provisions in paragraph 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101] or unless otherwise specifically provided, the requirements in the MCSR do not apply to:

- 1) All school bus operations as defined in Section 390.1020 of this Part;
- 2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States. The agency established and requirements of 49 CFR 390.15 remain applicable to the entities identified in this subsection when engaged in the interstate charter transportation of passengers; (49--PR-33737--June-217

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1993†

3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;

4) The transportation of human corpses or sick and injured persons;

5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations; and

6† ~~the private transportation of passengers;~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 390.1020 Definitions

The following definitions apply to all Parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as otherwise provided below an occurrence involving a commercial motor vehicle operating on a public road which results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle;

An occurrence involving only the loading or unloading of cargo; or

An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR 571.3) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that requires the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823. (49 CFR 390.5, October 1, 1994) ~~†59-FR-67267--February 27-1993†~~

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Agricultural Movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 18b-101 of the Law)

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety Regulations: General" (49 CFR 390.5, October 1, 1994 ~~†992~~)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1994 ~~†992~~)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Illinois Vehicle Code (the Code) ~~††††--Rev:Stat:19917-ch:95-172-par:1-108†~~) [625 ILCS 5/1-108])

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1994 ~~†992~~)

"Code" means the Illinois Vehicle Code ~~††††--Rev:--Stat:--19917--ch:95-172-par:1-108-et-seq†~~ [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 18b-101(1) of the Law)

"Commercial Motor Vehicle (CMV)" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or the vehicle is designed to transport more than 15 passengers, including the driver; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield glazing and wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield and wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1993)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1994 1992)

"Department" means the Illinois Department of Transportation. (Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

18b-101 of the Law)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 1994 1992)

"Disabling Damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 1994) 1992
PR-67267-February-27-1993

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards: Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1994 1992)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1994 1992)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies; or

A request by a police officer for tow trucks to move wrecked or disabled vehicles. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1994 ~~1992~~)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Interstate Commerce Commission (ICC) in "Commercial Zones" (49 CFR 1048), revised as of October 1, 1975. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 U.S.C. 10526). "Exempt motor carriers" are subject to the requirements set forth in the Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 18b-101 of the Law)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that required the vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days after the accident. (49 CFR 390.5, October 1, 1994 ~~49 FR 6267-February-27 1993~~)

"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission. (Section 1-124 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health,

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in the "Hazardous Materials Table and Hazardous Materials Communications" (49 CFR 172.101) when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Health-Care-Professional" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations; the term includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of Husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of 49 CFR 391.63 or 391.65, as applicable. (49 CFR 390.5, October 1, 1994 ~~1992~~)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1994 1992)

"Law" means the Illinois Motor Carrier Safety Law (1994-Rev--Stat: 1994-95-1727-pars--10b-100-through-111) [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. The term includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Motor carrier" means a for-hire motor carrier or a private motor carrier of--property. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the MCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, 1994 1992)

"Motor Carrier Safety Regulations (MCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1994 1992)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

"Operator" -- see driver.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1994 1992)

"Out-of-service order" means a declaration by an authorized enforcement officer of a Federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 396.9, or compatible laws, or the North American Uniform Out-of-Service Criteria as defined in this Section. (49 CFR 390.5, October 1, 1994)

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 18b-101(5) of the Law)

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49 CFR 387), "Federal Motor Carrier Safety Regulations; General" (49 CFR 390), "Qualification of Drivers" (49 CFR 391), "Hours of Service of Drivers" (49 CFR 395), and "Inspection, Repair and Maintenance" (49 CFR 396) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of business. (49 CFR 390.5, October 1, 1994) (50-FR-33757-June 217-1993)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1994)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 1994)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 1994)

"Private motor carrier of passengers" means a person who is engaged in an enterprise and provides transportation of passengers by motor

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

vehicle--that--is--within--the--scope--of--and--in--the--furthereance--of--that enterprise--(49-CFR-390.57-October-17-1992)

private-motor-carrier--of--property--means--a--person--who--provides transportation--of--property--by--motor-vehicle--and--is--not--a--for-hire motor-carrier--(49-CFR-390.57-October-17-1992)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle. (49 CFR 390.5, October 1, 1994 50-PR-673307-December-21-1993)

"Regional Director" means the Director of the Office of Motor Carriers, Federal Highway Administration; for a given geographical region of the United States. (59 FR 60319, November 23, 1994) the Regional-Director--Office--of--Motor-Carrier--Safety--for--a--given geographical-region-of--the--United-States--(49-CFR-390.57-October-17-1992)

"Regularly employed driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. (49 CFR 390.5, October 1, 1994 1992)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1994 1992)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1994 1992)

"School bus operation" means the use of a school bus to transport only

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special Agricultural Movement Equipment" means a vehicle of the second division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1994 1992)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1994 1992)

"pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1994 1992)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1994

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1992)

"Truck" means any self-propelled motor vehicle except a truck/tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1994 1992)

"Truck/tractor" means a self-propelled motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1994 1992)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1994 1992)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 390.1030 Rules of Construction

a) In the MCSR unless the context requires otherwise:

- 1) Words imparting the singular include the plural;
- 2) Words imparting the plural include the singular;
- 3) Words imparting the masculine gender include the feminine; and
- 4) Words imparting the present tense include the future tense. (49 CFR 390.7, October 1, 1994 1992)

b) In the MCSR:

- 1) "Officer" includes any person authorized by law to perform the duties of the office;
- 2) "Writing" includes printing and typewriting;
- 3) "Shall" is used in an imperative sense;
- 4) "Must" is used in an imperative sense;
- 5) "Should" is used in a recommendatory sense;
- 6) "May" is used in a permissive sense; and
- 7) "Includes" is used as a word of inclusion, not limitation. (49 CFR 390.7, October 1, 1994 1992)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, Subparts ~~Subpart B~~ and C are ~~is~~ hereby incorporated by reference as those ~~that~~ Subparts ~~Subpart of~~ the FMCSR were ~~was~~ in effect on October 1, 1994 1992, as amended at 59 FR 67544, December 29, 1994 ~~as amended at 58-FR-67267-February-27-1993~~, subject only to

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, Subpart B are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 390, Subparts ~~Subpart B~~ and C shall apply for the purposes of this Subpart.

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) Section 390.15(a) is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Highway Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
- 5) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 6) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 7) Any reference to a section in the incorporated material shall be read to refer to that Section in the MCSR.
- 8) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1994 1992)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Parts and Accessories Necessary For Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: Proposed Action:
393.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 393 as of October 1, 1994.

A number of final rules which affected this Part have been published by the Federal Highway Administration (FHWA) since the Department's last rulemaking. These rulemakings are contained in 49 CFR 393, October 1, 1994 which is incorporated by reference in Section 393.2000(a).

Docket MC-88-15 (59 FR 8748, February 23, 1994) amends the regulations to make private motor carriers of passengers involved in transportation subject to the regulations with certain exceptions.

Docket MC-90-1 (59 FR 25572, May 17, 1994) requires Mexican commercial motor vehicles operated in the United States to be equipped with brakes acting on all wheels.

Docket MC-93-19 (59 FR 34708, July 6, 1994) amends the requirements for warning devices for stopped commercial motor vehicles (CMVs) to allow the use of fuses and liquid-burning flares in lieu of bidirectional reflective triangles, unless the CMV is transporting certain hazardous materials or is powered by compressed gas.

Docket MC-93-21 (59 FR 34712, July 6, 1994) amends cargo securement requirements of the regulations to adopt the use of working load limits in specifying the minimum strength of cargo securement devices.

At Section 393.2000(c)(3), the Department is deleting a reference to "drivers" and replacing it with the word "vehicles." Part 393 addresses vehicle requirements instead of driver requirements.

The Department is also removing references to the Illinois Revised Statutes which will be replaced by references to the Illinois Compiled Statutes.

6) Will this proposed rulemaking replace an emergency rule currently in

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
These conform to Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois
- 12) Initial Regulatory Flexibility Analysis:

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance:
No new or additional procedures are necessary for compliance with this rulemaking.

C) Types of professional skills necessary for compliance: No new or

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

additional skills are necessary for compliance.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the Illinois Register.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 393
PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section
393.1000 General
393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1994 1992, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.
 - 1) Section 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) ~~111--Rev--Stat--1991--ch--95--1727~~ ~~per--18b-105(c)(1)~~ [625 ILCS 5/18b-105(c)(1)]).
 - 2) Section 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) ~~111--Rev--Stat--1991--ch--95--1727--per--3-815(c)~~ [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).
 - 3) Authorized Illinois State Police shall place vehicles ~~drivers~~ out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures and Enforcement

2) Code Citation: 92 Ill. Adm. Code 386

3) Section Numbers: Proposed Action:

386.1000 Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is proposing to amend Section 386.1000 to remove a reference to the Illinois Revised Statutes. A reference to the Illinois Compiled Statutes was added in its place at the time of the last rulemaking.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking will not affect small businesses in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.

C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the Illinois Register.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 386
 PROCEDURES AND ENFORCEMENT

Section	Scope
386.1000	Scope
386.1010	Definitions
386.1020	Service
386.1030	Subpoenas
386.1040	Responsibility for Enforcement
386.1050	Investigations
386.1060	Inspection of Records and Motor Vehicles
386.1070	Out of Service
386.1080	Record of Inspection
386.1090	Warning Letter
386.1110	Maximum Penalties
386.1120	Commencement of Civil Penalty Proceeding
386.1130	Reply
386.1140	Payment of Penalty
386.1150	Request for Hearing
386.1160	Hearing
386.1170	Presiding Officer's Decision
386.1180	Assessment Considerations
386.1190	Appeal
386.1200	Willful Violations

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15542, effective September 10, 1990; amended at 18 Ill. Reg. 778, effective January 11, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 386.1000 Scope

This Part defines certain terms and prescribes procedures that are applicable to each proceeding described in this Part that are utilized by the Department in carrying out its duties under the Illinois Motor Carrier Safety Law (the Law) (~~Ill. Rev. Stat.~~ ~~1991-ch. 95-1/27-pars. 18b-100-through-111~~ [625 ILCS 5/18b-100 through 111]) and describes the various enforcement authorities exercised by the Department and the associated sanctions, prescribes the procedures governing the exercise of those authorities and the imposing of those sanctions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

_____)

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Qualification of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 391
- 3) Section Numbers: 391.2000
Proposed Action: Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 391 as of October 1, 1994, and to include the federal rulemakings adopted at 59 FR 60319, November 23, 1994; 59 FR 63921, December 12, 1994; 60 FR 54, January 3, 1995; and 60 FR 13369, March 13, 1995.

A number of final rules which affected this Part have been published by the Federal Highway Administration (FHWA) since the Department's last rulemaking. The following rulemakings are contained in 49 CFR 391, October 1, 1994 which is incorporated by reference in Section 391.2000(a).
Docket MC-90-6 (58 FR 59194, November 8, 1993) contains technical amendments to the Federal Motor Carrier Safety Regulations on physical examinations of commercial motor vehicle drivers.

Docket MC-93-2 (58 FR 68220, December 23, 1993) modifies the controlled substances testing information required to be maintained by motor carriers in annual summaries.

Dockets MC 116, MC-92-19, MC-92-23 (59 FR 7484, February 15, 1994) adds regulations on controlled substances and alcohol use testing to the regulations. Makes conforming amendments to other parts of the regulations.

Docket MC-88-15 (59 FR 8748, February 23, 1994) amends the regulations to make private motor carriers of passengers involved in transportation subject to the regulations with certain exceptions.

Docket MC-92-13 (59 FR 26022, May 18, 1994) amends the regulations to make a conviction of any violation of an out-of-service order by a driver of a commercial motor vehicle a disqualifying offense. Such a conviction will result in a suspension, revocation or cancellation of the driver's CDL or disqualification by the FHWA.

(59 FR 49585, September 29, 1994) makes technical amendments to indicate that the Office of Management and Budget (OMB) has approved the recordkeeping requirements in the final rules for controlled substances

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

and alcohol use and testing.

The Department's regulations will also incorporate changes made in the following Dockets:

Docket MC-93-32 (59 FR 60319, November 23, 1994) removes regulations and appendices from the Federal Motor Carrier Safety Regulations which are obsolete, redundant or more appropriately regulated by State and local authorities.

(59 FR 63921, December 12, 1994) amends the regulations to provide nomenclature changes that will revise and update certain regulatory references and terms.

(60 FR 54, January 3, 1995) removes the compliance date from regulations governing drug testing of foreign-based employees of foreign-domiciled motor carriers.

Docket MC-93-2 (60 FR 13369, March 13, 1995) requires a motor carrier to prepare an annual summary of alcohol and controlled substances test results only upon the demand of an FHWA representative, either as part of an inspection, investigation, or special study; or as part of the anti-drug management information system.

Section 391.2000(c)(5) is being amended by replacing "health care professional" with "medical examiner" pursuant to 58 FR 59194, November 8, 1993.

Section 391.2000(c)(7) is being added to allow drivers to drive in interstate and intrastate transportation if the Regional Director of the Federal Highway Administration, Motor Carrier Safety has granted a waiver to that person.

Section 391.2000(c)(9) is being amended to reflect the impact of 59 FR 8748, February 23, 1994 regarding private motor carriers of passengers. This subsection is also being amended to correct a reference to the definition of "commercial motor vehicle" (CMV) as referred to in 92 Ill. Adm. Code 390 and replace it with a reference to the definition of CMV in 49 CFR 391.85. This corrects an error in the regulations.

Section 391.2000(c)(11) is being removed as this is a dated subsection and not required at this time as part of the regulations.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

8) Does this proposed amendment contain incorporations by reference? Yes
These conform to Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen, Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Planning and Program Support Section; 3rd Floor
Springfield, Illinois

Comments received within forty-five days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are necessary for compliance with this rulemaking.

C) Types of professional skills necessary for compliance: No new or additional skills are necessary for compliance.

13) State reason(s) for this rulemaking if it was not included in either of

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

the two (2) most recent regulatory agendas: A regulatory agenda was completed describing the revision to this Part in a January issue of the *Illinois Register*.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 391

QUALIFICATION OF DRIVERS

Section

391.1000 General

391.2000 Incorporation By Reference of 49 CFR 391

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 14 Ill. Reg. 15560, effective September 10, 1990; amended at 15 Ill. Reg. 13189, effective August 21, 1991; amended at 16 Ill. Reg. 5362, effective March 23, 1992; amended at 16 Ill. Reg. 14715, effective September 1, 1994, 1992; amended at 18 Ill. Reg. 783, effective January 11, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 391.2000 Incorporation By Reference of 49 CFR 391

- a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1994, 1992; as amended at 59 FR 60319, November 23, 1994; as amended at 59 FR 63921, December 12, 1994; as amended at 60 FR 54, January 3, 1995; and as amended at 60 FR 13369, March 13, 1995 58-FR-33757-dne-217-1993, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.

- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.

- c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.

- 1) Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

- 2) Section 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.

- 3) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations (FMCSR) and was engaged in operating such vehicles, and who was

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

disqualified on July 29, 1986 by the adoption of 49 CFR 391 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner. (Section 18b-105 of the Law).

- 4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle which either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or which is designed to transport more than 15 passengers, including the driver; or which has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the FMCSR and engaged in operating such vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-829 which made the FMCSR applicable to vehicles described above. The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

- 5) Section 391.43(a)(1) is not incorporated and the following substituted therefor:

Except as provided by 49 CFR 391.43(b) of this section, the medical examination shall be performed by a licensed medical examiner ~~health-care-professional~~ as defined in 92 Ill. Adm. Code 390.1020.

- 6) Section 391.43(g)(4) is added to the Illinois Motor Carrier Safety Regulations and reads as follows:

If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of Section 391.2000(c)(3) or 391.2000(c)(4) above, the following shall appear on the medical examiner's certificate: "Qualified only for intrastate transportation in Illinois."

- 7) Section 391.49(a) is not incorporated and the following substituted therefor:

A person who is not physically qualified to drive under 49 CFR 391, and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle in interstate or intrastate transportation if the Regional Director, Motor Carrier Safety has granted a waiver to that person.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

87) Section 391.69 is deleted and not incorporated.
 90) Section 391.83(a) is modified to cause 49 CFR 391, Subpart H to apply to motor carriers and persons, except for private motor carriers of passengers (nonbusiness), who operate a commercial motor vehicle, as defined in 49 CFR 391.85 92--iii--Adm--Code 390-1020 in either interstate or intrastate commerce.

109) The definition of "commercial motor vehicle" in Section 391.85 is modified to include such vehicles operated in either interstate or intrastate commerce, and to not include farm machinery, fertilizer spreaders or other special agricultural movement equipment or implements of husbandry used in intrastate commerce.

1110) Section 391.87(g) is not incorporated and the following substituted therefor:

A motor carrier shall produce upon demand and shall permit the Illinois Department of Transportation or Administrator of the US DOT to examine all records related to the administration and results of controlled substance testing performed under this Part.

111) The schedule established in Sections 391-93(b) and (c) for implementation of a controlled substance testing program is modified as follows:

A) The provisions of Section 391-93(b) apply only to motor carriers and operators of commercial motor vehicles engaged in interstate commerce.

B) The provisions of Section 391-93(c) apply only to motor carriers and operators of commercial vehicles engaged in interstate commerce.

C) Motor carriers subject to the provisions of Sections 391-93(b) and (c) shall include any driver who operates a commercial motor vehicle in intrastate commerce in the carrier's controlled substance testing program not later than December 31, 1990. (49-CFR 391-93)

D) Part 391-Subpart H shall apply to motor carriers and drivers who operate commercial motor vehicles only in intrastate commerce effective December 21, 1990. (49-CFR 391-93)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Relative Home Placement

2) Code Citation: 89 Ill. Adm. Code 335

3) Section Numbers: Adopted Action:

335.204	Amend
335.206	Amend
335.208	Repeal
335.300	Amend
335.Appendix A	New Section

4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5).

5) Effective Date of Adopted Amendments/Repealer: April 12, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 31, 1995

9) Notice of Proposal Published in Illinois Register:

November 28, 1994 18 Ill. Reg. 16892

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference between proposal and final version: The Department will not delete Section 335.204(a) in its entirety, but will delete the phrase "within 90 days of the initial placement" retaining the remainder of (a). Subsection 335.204 (c) and (d) are relettered (b) and (c) respectively.

The following subsection was added to Section 335.300.

c) The supervising agency shall minimally conduct an annual monitoring visit with the relative family home to insure continuing compliance with the requirements of this Part.

Subsection (c) and (d) were relettered to (d) and (e) respectively.

Technical and editorial corrections were made in accordance with the recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division, Secretary of State.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 13) Are there any amendments pending on this Part? Yes.

Section	Proposed Action	Illinois Register Citation
335.100	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.102	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.200	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.202	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.204	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.206	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.300	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.302	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.304	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.306	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.310	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.312	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.314	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.316	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.318	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.320	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.322	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.324	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.326	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.328	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.330	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.332	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.334	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.336	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.338	Repeal	March 24, 1995 (19 Ill. Reg. 3666)
335.340	Repeal	March 24, 1995 (19 Ill. Reg. 3666)

- 15) Summary and Purpose of These Adopted Amendments: The Department repealed the two-tier payment process and removed the requirement that children must be moved if a relative home is not approved within 90 days of the child's placement in the home via emergency amendments. With these adopted amendments, the Department will keep those changes in place until the major reforms to the Home of Relative program can be enacted.

Finally, the proposed amendments list the crimes identified in Section 4.2 of the Child Care Act of 1969 which are considered the most serious in their harmful effects upon children.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335
RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section
335.100 Purpose
335.102 Definitions

SUBPART B: PLACEMENT

Section
335.200 ~~Placement--Pre-Conditions~~ Identification and Selection of Relative Placements
335.202 ~~Continuation-of-Placement~~ Placement Pre-Conditions
335.204 Continuation of Placement
335.206 Required Notices and Information
335.208 Payment Provisions (Repealed)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section
335.300 Provisions Pertaining To Approval
335.302 Safety Requirements for the Relative Family Home
335.304 Requirements For Sleeping Arrangements
335.306 Nutrition and Meals
335.308 Business and Employment of Relative Foster Parents (Repealed)
335.310 Qualifications of ~~Related-caregivers~~ Relative Family Home
335.312 Background Inquiry
335.314 Health of Relative Family
335.316 Number of Children Served
335.318 Meeting Basic Needs of Related Children
335.320 Health Care of Related Children
335.322 Religion
335.324 Education
335.326 Discipline of Related Children
335.328 Emergency Care of Related Children
335.330 Release of Children
335.332 Confidentiality of Information
335.334 Required Written Consents
335.336 Records To Be Maintained
335.338 Cooperation with the Supervising Agency and the Department
335.340 Severability of This Part

APPENDIX A Crimes Identified in Section 4.2 of the Child Care Act of 1969

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. 14436, effective August 31, 1994, for a maximum of 150 days; emergency expired on January 30, 1995; amended at 19 Ill. Reg. 6204, effective April 12, 1995.

SUBPART B: PLACEMENT

Section 335.204 Continuation of Placement

- a) Related caregivers shall meet the standards prescribed in Subpart C of this Part within 90 days of the initial placement.
- b) ~~Placement--staff--of-the-supervising-agency--shall--assure--that--no--child--for-whom--the--Department--is--legally--responsible--remains--in--the--care--of--a--related--caregiver--in--excess--of--90--days--unless--~~
~~1) the--related--caregiver--has--been--approved--as--meeting--standards--prescribed--by--Subpart--C--of--this--Part--or~~
~~2) the--related--caregiver--is--awaiting--the--results--of--a--medical--examination--completed--within--90--days--of--the--child's--initial--placement--or~~
~~3) a--waiver--as--specified--in--subsection--(c)--below--has--been--requested--and--granted--~~
- b) The Director of the Department or designee shall waive specific Approval Standards For Relative Family Homes except for those requirements the standards in Sections 335.302, 335.310 (a) and (b), and 335.312 or where a waiver of the particular standard(s) would endanger the health, safety or welfare of the child(ren) involved, or where the waiver would result in a placement for which the federal government refuses to provide funding to the Department or would result in a placement that would pose an obstacle to achieving permanency for the child. Requests for waivers shall be in writing, on a form prescribed by the Department. Approvals of waivers shall be in writing, dated and signed by a representative of the Department, and retained in the permanent approval record.
- c) ~~1) Waivers granted in accordance with subsection (a) above shall be valid for the duration of approvals granted pursuant to Subpart C of this Part.~~

(Source: Amended at 19 Ill. Reg. 6204, effective April 12, 1995)

Section 335.206 Required Notices and Information

- a) The Department shall provide written information to relative

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

- each-adult-living-in-the-home?
2) Two-sets-of-completed-fingerprint-cards-for-each-adult-living-in-the-home-or-a-successful-fingerprint-scan-via-electronic equipment?
3) A-completed-application-for-relative-foster-home-approval-which has-been-signed-by-the-relative-applicant(s)-along-with-a completed-family-home-information-sheet?
c) When-all-of-the-items-in-subsection-(b)-above-have-been-completed signed-and-received-by-the-Department-the-payments-for-the-related children-in-care-shall-be-increased-to-the-foster-care-payment-rate appropriate-for-the-ages-of-children-placed-in-the-home-with-the relative-caregiver.-This-increase-shall-be-effective-retroactively-to the-date-that-the-Department-placed-the-children-in-the-case-of-the relatives:
d) If-all-of-the-items-in-subsection-(b)-above-have-not-been-completed signed-and-received-by-the-Department-within-90-days-of-the-date-the Department-placed-the-children-in-the-care-of-the-relatives-the children-shall-be-moved-to-an-alternative-appropriate-placement:

(Source: Repealed at 19 Ill. Reg. 6204, effective April 12, 1995)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section 335.300 Provisions Pertaining To Approval

- a) Approval of a relative family home shall be valid for four years unless one of the following occurs:
1) The-family-moves-to-an-address-other-than-that-for-which-approval was-granted?
2) The related caregiver(s) substantially violates the requirements of this Part so as to endanger the health, safety or welfare of the child(ren) or an adult member of the household is charged with or convicted of one of the crimes listed in Appendix A of this Part or is indicated as the perpetrator in a child abuse/neglect report which resulted in serious harm to a child. Refusal to cooperate with the supervising agency is a factor taken into consideration in determining whether the violation is substantial?
3) The-specific-related-children-for-whom-the-home-was-approved-no longer reside with-the relative caregiver.
b) The related caregiver shall notify the supervising agency within thirty (30) days of a change of address or a change in the family composition of the household. Whenever any-of-the-events-specified-in subsection-(a) above occur, the relative family home moves to another address, there is a change in the composition of the household, a member of the household has been charged with or convicted of one of the crimes listed in Appendix A or is indicated as a perpetrator of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

- caregivers at the time children are placed in their home and to relatives who are being assessed as a placement resource. The information shall explain the difference between private and public guardianship and shall advise the relatives that they have 90 days from-the-date-of-placement-to-come-into-the-home study will verify compliance with the approval standards for relative home caregivers or to-be-granted the Department may grant a waiver of specific approval standards.
b) The Department shall provide a notice to specified relatives which explains that they may seek a waiver of any approval standards which they have failed to meet, except the standards in Sections 335.302, 335.310(a) and (b) and 335.312 and the Department shall grant waivers of those standards unless the granting of a waiver would:
1) endanger the health, safety, or welfare of the related child; or
2) result in a placement for which the federal government refuses to provide funding to the Department; or
3) pose an obstacle to achieving permanency for the related child.
c) If the Department concludes that a relative home cannot be approved, or a waiver has been requested and denied, or-if-as-a-result-of-the relative's-failure-to-cooperate-with-the-approval-process-the approval-review-cannot-be-completed-within-90-days, the Department shall send a written notice to the relative caregiver, the child's parent or parents, the child (if over age 7), and the child's attorney and guardian ad litem which explains that the relative caregiver's home has not met the approval standards for a relative home and that the child will be placed in another home. The notice shall meet the requirements of 89 Ill. Adm. 337, Service Appeals Process, and shall advise the relative that all appeals regarding the move of related children to another placement will be combined.

(Source: Amended at 19 Ill. Reg. 6204, effective April 12, 1995)

Section 335.208 Payment Provisions (Repealed)

- a) Relative-caregivers-who-accept-related-children-for-full-time-care-are eligible-for-reimbursement-for-the-care-provided--Relatives-who-have accepted-children-for-care-on-or-after-the-effective-date-of-this Part-but-who-have-not-yet-submitted-to-the-Department-the-items necessary-to-begin-the-process-to-become-an-approved-relative-family home-shall-be-reimbursed-at-the-applicable-rate-for-child-only-cases under-the-Aid-to-Families-With-Dependent-Children (AFDC) program. Relatives-who-have-submitted-to-the-Department-all-not-the-items necessary-to-begin-the-approval-process-shall-be-reimbursed-at-the Department-payment-rate-for-regular-foster-care.
b) The-items-necessary-to-begin-the-approval-process-and-therefore-to-be-eligible-for-reimbursement-at-the-regular-foster-care-rate are:
1) A-completed-and-signed-authorization-for-background-check-for

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

child abuse/neglect which resulted in serious harm to a child, the home shall be submitted for re-evaluation. If the perpetrator of the crime or the child abuse/neglect continues to have access to children, access of the perpetrator to the children shall be limited by a protective plan while the re-evaluation is being completed by the supervising agency.

c) The supervising agency shall minimally conduct an annual monitoring visit with the relative family home to insure continuing compliance with the requirements of this Part.

de) Ninety days prior to the expiration date of the most recent approval, the home shall be submitted for re-evaluation.

ed) The child(ren) shall remain in the home during the re-evaluation provided the requirements of Section 335.200 continue to be met.

(Source: Amended at 19 Ill. Reg. 6204, effective April 12, 1995)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 335. APPENDIX A Crimes Identified in Section 4.2 of the Child Care Act of 1969

Crimes identified in Section 4.2 of the Child Care Act of 1969 include those serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below.

Murder
Kidnapping
Aggravated Kidnapping
Child Abduction
Aggravated Battery of a Child
Criminal Sexual Assault
Aggravated Criminal Sexual Assault
Criminal Sexual Abuse
Aggravated Criminal Sexual Abuse
Child Pornography
Exploitation of a Child
Obscenity
Harmful Material
Tie-in Sales of Obscene Publications to Distributors
Indecent Solicitation of a Child
Public Indecency
Sexual Relations Within Families
Prostitution
Soliciting for a Prostitute
Soliciting for a Juvenile Prostitute
Pandering
Keeping a Place of Prostitution
Keeping a Place of Juvenile Prostitution
Patronizing a Juvenile Prostitute
Pimping
Juvenile Pimping

(Source: Added at 19 Ill. Reg. 6204, effective April 12, 1995)

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Least-Cost Planning for Natural Gas Utilities

2) Code Citation: 83 Ill. Adm. Code 535

3) Section Numbers: Adopted Action:

535.10 Repeal
535.15 Repeal
535.100 Repeal
535.110 Repeal
535.115 Repeal
535.120 Repeal
535.200 Repeal
535.205 Repeal
535.210 Repeal
535.220 Repeal
535.300 Repeal
535.305 Repeal
535.310 Repeal
535.320 Repeal
535.330 Repeal
535.340 Repeal
535.350 Repeal
535.360 Repeal
535.400 Repeal
535.410 Repeal
535.500 Repeal
535.510 Repeal

4) Statutory Authority: Implementing Section 8-402 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-402 and 10-101].

5) Effective Date of Repeal: April 20, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 12, 1995

9) Notice of Proposal Published in Illinois Register: April 22, 1994, at 18 Ill. Reg. 6081

10) Has JCAR Issued a Statement of Objections to this repealer? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED REPEALER

indicated in the agreement letter issued by JCAR? None required

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repeal: The repeal is a response to the amendment of Section 8-402 of the Public Utilities Act ("Act"). Section 8-402 of the Act was added by P.A. 84-617, effective January 1, 1986, mandating for the first time that the Commission require least-cost planning for both electric and gas utilities. On January 1, 1994, P.A. 88-314 became effective, amending Section 8-402 to remove the requirements that the Department of Energy and Natural Resources prepare a state-wide least-cost plan for natural gas public utilities and that the utilities prepare individual least-cost plans implementing the state-wide plan. With the repeal of the statutory authority for these rules, repeal of the rules themselves is appropriated.

16) Information and questions regarding this adopted repealer shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section numbers:
Adopted Action:
2720.220 New Section
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Rule(s) Amendments: April 15, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: April 7, 1995
- 9) Notice(s) of Proposal Published in Illinois Register: October 21, 1994, 18 Ill. Reg. 15579
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version: The Ill. Rev. Stat. citations have been removed from the main source note and, at the suggestion of a staff member from the Joint Committee on Administrative Rules, the word "section" has been capitalized in Section 2720.200(c).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, see above.
- 13) Will these amendments replace an emergency rule currently in effect? No. The emergency rule expired on March 13, 1995.
- 14) Are there any amendments pending on this Part? Yes. Proposed amendments to other Sections of this Part were published on January 27, 1995, at 19 Ill. Reg. 861.
- 15) Summary and Purpose of Amendments: Government-guaranteed student and parent loans are currently made primarily through the Federal Family Education Loan Program (FFELP), pursuant to authority granted by Title IV, Part B of the federal Higher Education Act of 1965, as amended. These loans comprise one of the most important sources of higher education financing for families in Illinois and throughout the country.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

In the current program, loans are made by participating private lenders, such as banks, savings and loan associations, and credit unions throughout the State of Illinois. In the event of default, death, disability or bankruptcy of the borrower, the lender is insured against loss by state-based guaranty agencies such as the Illinois Student Assistance Commission, which are in turn reinsured by the federal government. The federal government also subsidizes some of the costs of the loan for needy borrowers, and compensates both lenders and guaranty agencies for administrative functions performed on its behalf.

Recent changes in federal legislation have not only reduced the revenues which private lenders previously received, as well as imposing additional new fees and increased risks, but also accelerated the timetable for implementation of the new Federal Direct Student Loan Program (FDSLP). Under the FDSLP, loans will be made to borrowers directly by the federal government through participating colleges and universities. It is the stated intent of the federal government to eventually replace the current public-private partnership of FFELP entirely with FDSLP.

As a result of both the impending loss of significant future business and the reduced financial viability of existing business, an increasing number of participating private lenders have withdrawn from the FFELP program. The FDSLP, however, is scheduled to assume only 5 percent of total national loan volume in 1994-95 and up to 40 percent in 1995-96. Should the departure of existing lenders proceed more rapidly than the implementation of the FDSLP designed to replace them, the potential exists for a disruption of access to student loan capital for some borrowers in the State of Illinois.

In order to ensure uninterrupted access to affordable educational loan capital for the thousands of Illinois families that rely on these funds to pay for the rapidly escalating costs of higher education, ISAC feels it is imperative that we be prepared to exercise our existing statutory authority to originate FFELP loans. (See 110 ILCS 947/80(d).) Therefore, ISAC is adopting Section 2720.200 to codify its existing statutory authority to originate FFELP loans.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rulemaking begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM

(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL

PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section

2720.5 Summary and Purpose

2720.6 Definitions

2720.10 Eligibility for ISAC Loan Guarantees

2720.20 Lender Eligibility

2720.25 Educational Institution Lender Eligibility

2720.30 Institutional Eligibility

2720.35 Holder Eligibility

2720.40 Procedures for Obtaining a Guaranteed Loan

2720.41 One-Lender Requirement

2720.42 One-Holder Requirement

2720.50 Procedures for Disbursement and Repayment

2720.55 Federal Consolidation Loan Program

2720.60 Preclaim Assistance

2720.70 Reimbursement Procedures

2720.80 Student Insurance Premium

2720.90 Guaratee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

2720.105 Summary and Purpose

2720.120 IDAPP Eligible Loans

2720.130 IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

2720.200 ISAC Originated Consolidation Loans

2720.210 Illinois Opportunity Loan Program (IOP)

2720.220 Federal Family Education Loans (FFEL)

APPENDIX A

Required Activities of Educational Lenders

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) (110 ILCS 947/80 through 175); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amendment at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired on March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995.

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.220 Federal Family Education Loans (FFEL)

a) ISAC may serve as a direct lender of educational loans under the Federal Family Education Loan Program.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- b) Each borrower must be an eligible borrower as established by the Higher Education Act of 1965, as amended (see 20 U.S.C.A. 1078 et seq.), and must meet the eligibility requirements set forth in Section 2720.10 of this Part, Eligibility for ISAC Loan Guarantees.
- c) The amounts, terms and conditions of loans made under this Section shall be in accordance with the provisions of the Higher Education Act of 1965, as amended (see 20 U.S.C.A. 1078 et seq.).
- d) Educational loans may be made to borrowers referred by Lenders which have executed a Community Educational Loan Partnership agreement with ISAC.

(Source: Added at 19 Ill. Reg. 6215, effective April 15, 1995)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 11, 1995 through April 17, 1995, and have been scheduled for review by the Committee at its May 23, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/26/95	Department of Public Aid, Crisis Assistance (89 Ill Adm Code 116)	1/27/95 19 Ill Reg 824	5/23/95
5/27/95	Department of Public Aid, Demonstration Programs (89 Ill Adm Code 170)	1/20/95 19 Ill Reg 530	5/23/95
5/31/95	Illinois Health Care Cost Containment Council, Data Collection (77 Ill Adm Code 2510)	2/24/95 19 Ill Reg 2189	5/23/95
5/31/95	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	3/3/95 19 Ill Reg 2365	5/23/95
5/31/95	Department of Rehabilitation Services, Services (89 Ill Adm Code 590)	9/30/94 18 Ill Reg 14627	5/23/95
5/31/95	Department of Rehabilitation Services, Services (89 Ill Adm Code 590)	1/6/95 19 Ill Reg 28	5/23/95
5/31/95	Department of Rehabilitation Services, Application (89 Ill Adm Code 557)	1/27/95 19 Ill Reg 839	5/23/95
5/31/95	Department of Rehabilitation Services, Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)	1/27/95 19 Ill Reg 842	5/23/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/31/95	Department of Rehabilitation Services, Client Financial Participation (89 Ill Adm Code 562)	1/27/95 19 Ill Reg 846	5/23/95
---------	---	------------------------------	---------

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR DISCOVER CARD
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET
__1977-1978 __1979 __1980 __1981 __1982 __1983 __1984 __1985 __1986
__1987 __1988 __1989 __1990 __1991 __1992 __1993

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each:
__1981 __1982 __1983 __1984 __1985 __1986 __1987 __1988 __1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each:
__1984 __1985 __1986 __1987 __1988 __1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 each:
__1990 __1991 __1992 __1993

BACK ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each:

(Volume Number) (Issue Number) (Issue Date)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)
____NEW ____RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED
QUARTERLY @\$290.00

_____ (1994 Code & 2 Supplements)	_____ (Quantity)	_____ (1995 Supplements)	_____ (Quantity)
---	---------------------	--------------------------------	---------------------

TOTAL AMOUNT OF ORDER: \$ _____

__Check __Visa __Discover Card Number: _____
Expiration Date: _____ Signature _____

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

(NAME) (PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY) (STATE) (ZIP CODE) (TELEPHONE NUMBER)

GEORGE H. RYAN
SECRETARY OF STATE

Address:
Index Department
111 E. Monroe
Springfield, IL 62756

